

1922

STATE HOUSING ACT

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them in farming, stock breeding and dairying. All of this getting of the beneficiary of the forced loan is paid for out of the bonds, which take it out of the taxpayers.

In support of this system the policy of the Garmar Empire is frequently and favorably quoted, which did exactly the same thing the voters of this state are asked to do. The people of that empire learned to have no use for private initiative. It was replaced by the paternalism of the government. But that empire is dead. It sleeps with the mummies of Egypt, and its epitaph is common with that of every nation that destroyed individual initiative by state paternalism.

The United States stands out the strongest nation on earth. Why? Because it was built by the personal initiative, courage and industry of a people who were the creators of their own credit.

California, by the same process, is a state of three and a half millions of people, who, by personal initiative and enterprise, not helped by credit taken by forced loan from others, have covered the plains and mountains with bearing trees and vines, and fields of waving grain; who have proved the physical capacity of the state to produce the greatest variety

of the products of land and water to supply the needs of man and swell the arteries of commerce. The men who did this had no forced loan of credit. They were their own farmstead engineers, and prayed for no introduction of the paternalism of empires that are dead. They were independent men. They made the real California.

The system of so-called state land settlement is a scheme to introduce parasites to prey upon the substance of the creators of the state and of its credit. Unless it is voted down, and the forced loan is condemned by defeat of the bonds which are to effect it, and we are to endorse the introduction of parasites in place of self-dependent men, let us be consistent and change our flag and seal, and put in their place the image of the red spider, aphid, thrip and San Jose scale.

Every voter should remember that a vote for these bonds is a vote to put a mortgage on his property, for a public bond is a mortgage upon the private property of the people. Let every voter consider whether he is getting any benefit out of this mortgage on his property.

JOHN P. IRISH,
Oakland, California.

STATE HOUSING ACT. Submitted to electors by referendum. Regulates the construction, alteration, maintenance, use and occupancy of tenement houses and hotels throughout California and of dwellings in incorporated municipalities; repeals "State Tenement House Act," "State Hotel and Lodging House Act," and "State Dwelling House Act," combining provisions thereof in this act with changes and additions, defines fireproof, semifiireproof and wooden buildings; requires roofs of all semifiireproof buildings, and of wooden buildings in incorporated municipalities, to be constructed of approved incombustible materials or be well covered with an approved composition, fire resistive or fire retardent material.

YES

NO

Whereas, the legislature of the State of California, in regular session in April, 1921, passed, and the governor of the State of California, on the nineteenth day of May, 1921, approved a certain act, which act, together with its title, is in the words and figures following, to wit:

PROPOSED LAW.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses and hotels, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings in incorporated towns, incorporated cities and incorporated cities and counties, and the maintenance, use and occupancy of the premises and land on which such tenement houses, hotels and dwellings are erected or located, and to provide for its enforcement, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation

thereof, and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, statutes of California, of 1909, page 948; approved April 10, 1911, statutes of California of 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof," and approved May 31, 1917, statutes of California of 1917, page 1473; and repealing an act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429," and approved May 31, 1917, statutes of California of 1917, page 1422; and repealing an act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties,

and to provide penalties for the violation thereof," and approved May 31, 1917, statutes of California of 1917, page 1461.

The people of the State of California do enact as follows:

(Proposed changes from provisions of present laws are printed in black-faced type.)

Section 1. This act shall be known as the "state housing act" and its provisions which relate in any manner whatsoever to "tenement houses" and "hotels" shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and its provisions which relate to "dwellings" shall apply to all incorporated towns, incorporated cities, and incorporated cities and counties in the State of California.

Sec. 2. It shall be the duty of the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all the provisions of this act; provided, however, that every incorporated town, incorporated city and incorporated city and county in the State of California shall have and are hereby given authority to designate and charge by ordinance or otherwise any other department, officer or person than the health department with the enforcement of this act or any portion thereof; provided, that the health department of every incorporated town, incorporated city, and incorporated city and county shall always have supervision over and shall enforce the provisions of this act relating to sanitation, ventilation and health in all buildings not in course of actual erection, construction, alteration or moving, and shall issue the "permit of occupancy" as hereinafter provided. In the event that an incorporated town, incorporated city or incorporated city and county has designated or does designate and charge another and different department, officer or person than the health department to enforce the provisions of this act or any of them which by the provisions of this act may be transferred to the control of another department, officer or person than the health department all powers and duties not so transferred shall be and remain in the health department.

In the event that there is no health department or no building department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of tenement houses, hotels and dwellings in all incorporated towns, incorporated cities and incorporated cities and counties, and counties in the State of California, whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing

of California shall enforce the provisions of this act only in the instance specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any building or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any building or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cess-pool, plumbing or house drainage affecting the sanitary condition of any building or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any existing building or to increase the height of any building or the percentage of the lot occupied, or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for use as a tenement house, hotel or dwelling, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting a tenement house, hotel or dwelling, as the case may be, hereafter erected; except where elsewhere in this act specific exemption is made.

A building erected for use as a tenement house, hotel or dwelling at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting such a building hereafter erected, in so far as such provisions pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any building which is hereafter damaged by fire or the elements to an extent in excess of sixty (60) per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting buildings hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of buildings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a building or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a building or to move or to build upon a building or any portion thereof for use as a tenement house, hotel or

dwelling, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring a permit to erect, construct, reconstruct, convert or alter a building or to build upon or move a building shall file an application therefor with the department charged with the enforcement of this act. The said application shall give a detailed statement in writing of the erection, construction, reconstruction, moving, conversion or alteration, as the case may be, upon blanks or forms to be furnished by the said department. Except as otherwise hereinafter provided, in the case of a tenement house or hotel the said application must be verified by affidavit made under oath by the person that makes such application and the application must be accompanied with a full, true and complete set of the plans of the building, alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the erection, construction or alteration of the building or proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be, and such lot plan shall clearly indicate or show an outline of any existing building or structure thereon. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor. The affidavit to the said application shall allege that the plans and specification and statements contained therein are true and correct; and if any person other than the owner makes such affidavit, such person must allege in the affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit.

The department charged with the enforcement of this act shall cause all plans, specifications and statements filed to be examined and if it appears that they conform to the provisions of this act, shall issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the persons to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion of any such building shall be made in accordance with the plans, specifications and statements submitted or filed and upon which the permit is issued. A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the building or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act, may, at its discretion, issue a permit in case of nominal alteration or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs does not affect any structural feature or the sanitation or the ventilation of the tenement house or hotel, as the case may be, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied any tenement house or hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

Any person desiring a certificate of completion shall file a written application therefor with the department charged with the enforcement of this act. The said department shall cause an inspection to be made of the tenement house or hotel or portion thereof, or work described in the said written application, within ten days after the written application is filed, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of the "certificate of final completion."

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

In every incorporated town, incorporated city, and incorporated city and county, every owner or lessee of every tenement house occupied by five or more families or hotel shall obtain a permit of occupancy each calendar year from the department designated by this act to issue permits of occupancy which permit of occupancy shall run for one year from the date of its issuance. Such permit of occupancy shall not issue unless such tenement house or hotel conforms to the provisions of this act regarding sanitation. No annual permit of occupancy shall be required for any tenement house occupied or intended or designed to be occupied by less than five families, but such tenement house must obtain the original permit of occupancy upon completion. Every permit of occupancy so issued shall be displayed in some conspicuous place in the building so as to be readily seen by the authorized representatives of any department charged with the enforcement of this act.

Any tenement house or hotel which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance, and the department or departments charged with the enforcement of this act may cause it to be vacated until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter buildings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter buildings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure

compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter buildings or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any dwelling between the hours of six o'clock p.m. of any day and six o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of such dwelling; but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any such dwelling in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning. Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future. Words used in the masculine gender include the feminine, and the feminine, the masculine. Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the building is situated or proposed to be situated.

"Apartment" is a room or suite of rooms which is occupied or is intended or designed to be occupied by one family for living and sleeping purposes in a tenement house or dwelling.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which conforms to the requirements of, and bears the approval of the "national board of fire underwriters" or the "underwriters' laboratories," provided, however, that no such material, appliance, appurtenance, or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act and for this purpose any department, officer or commission, charged with the enforcement of this act, or authorized to enforce the provisions of this act, as set forth in section two hereof, may cause to be tested or demand that any such material, appliance or appurtenance be tested to its satisfaction that the said material, appliance or appurtenance, and its or their use fulfills requirements that are consistent with the intent and specific provisions of this act to be "approved."

"Basement" in a tenement house or hotel is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building" is a tenement house, hotel or dwelling as the case may be or a combination of any two or more such buildings.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, board of public works, or any other officer or department charged with the enforcement of ordinances and laws regulating the erection, construction and alteration of buildings or structures.

"Cellar" in a tenement house or hotel is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels and

which is not a basement as defined in this act. "Court" is an open, unoccupied space other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an "outer court" two inches for each one foot in width of such court, and may extend into an "inner court" one inch for each one foot in width of such court; and provided, further, that a cornice or similar projection may extend any distance desired into a court provided the minimum unobstructed width of the court is maintained.

"Curb level" is the curb level opposite the center of the "front of lot," and if a curb level has not been established it means the average ground level at the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer or commission, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dormitory" is a room in which more than two persons are "guests" and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

"Dwelling" is any house or building, or any portion thereof, which is not a "tenement house" or a "hotel" as defined in this act, and which contains one or more "apartments" or "guest rooms," used or intended or designed to be used, built, rented, leased, let or hired out to be occupied, or are occupied for living purposes.

"Family" is one person living alone or a group of two or more persons living together, in an apartment, whether related to each other by birth or not.

"Fireproof building" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, or of reinforced concrete or a combination of such materials; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone, terra cotta or concrete tile; where all the structural steel or iron is thoroughly fireproofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either terra cotta or concrete tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath, and plastered not less than three quarters of an inch thick, or constructed of wire glass not less than one fourth inch thick, set in metal frame and sash, and all other materials used in the said building are of approved fire resistive or incombustible material, except that the glass in windows, transoms, or doors may be in plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel" is any house or building of more than one story in height or portion thereof, contain-

the six or more guest rooms used or intended or designed to be used, let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include hotels, lodging and rooming houses, Turkish baths, bachelor hotels, studio hotels, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be occupied, except jails, hospitals, asylums, sanitariums, orphanages, prisons, detention buildings and similar buildings where human beings are housed and detained under restraint.

"Housing department" is any department or commission charged with the enforcement of ordinance or laws regulating the occupancy and maintenance of buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Kitchen" is any room used or intended or designed to be used for cooking and preparation of food.

"Lot" is a parcel or area of land on which is situated a building together with the land, yards, courts and unoccupied spaces required by this act for such building; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the owner of the building.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets is a "corner lot." All parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof. A lot which is not a "corner lot" is an "interior lot." "Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either frontage may be the "front of lot." "Rear of lot" is the boundary line of lot opposite the "front of lot." "Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Metal lath" is any standard approved type of expanded metal lath painted or galvanized, and for the purposes of this act, in lieu of metal lath, there may be used any type of "approved" plasterboard that is approved as in this act provided, and such plasterboard shall have applied over the same not less than three-eighths of an inch of plaster; provided, however, that when plasterboard is used on the weather side of exterior walls and shafts it shall have applied thereon, before it is plastered, a reinforcement of metal lath or redipped or galvanized wire mesh.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a building including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, vent shafts not exceeding thirty-two square feet in area, cornice which projects into a court or a yard more than is permitted elsewhere in this act, except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a yard or court providing they do not in any manner obstruct the light and ventilation of the rooms or

apartments, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space, the area of the building shall be taken at the lowest story or portion thereof used for the living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment in a tenement house, or not within a suite of rooms in a hotel, and includes stairways, landings and platforms.

"Semifireproof building" is a building which does not fully comply with the requirements of this act for a "fireproof building" as defined in this act and with all exterior walls and walls of inner and outer courts and recesses constructed of brick, stone, concrete, reinforced concrete, terra cotta or concrete tile or similar approved fire resistive or incombustible materials and that conforms in all other respects to the provisions of this act for semifireproof buildings; provided, however, that the exterior walls of inner courts that are surrounded on four sides by the same building may be constructed as hereinafter provided for such inner courts by section fifty-seven of this act. In every semifireproof building designed and built to exceed four stories in height, all the interior walls, partitions and ceilings therein and the soffits of stairways and the stairwells shall be constructed of the same kind of materials and in the same manner hereinbefore provided for fireproof buildings or the interior walls, partitions and ceilings and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. In every semifireproof building designed and built not to exceed four stories in height, all the walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings that are designed and built to exceed four stories in height or such walls and partitions and ceilings of public hallways and the soffits of stairways and the stairwells and the ceilings of basements or cellars therein shall be of wooden construction and shall be lathed with metal lath and plastered not less than three-quarters of an inch thick. The roofs of every semifireproof building shall be constructed of approved incombustible materials or be well covered with an "approved" composition fire resistive or fire retardent material. In semifireproof buildings the usual trim of rooms and hallways, finished floors, windows and doors and the frames thereof may be of wood and the glass in windows and doors may be in plain glass except where in this act otherwise prescribed.

"Shaft" is any shaft whether for air, light, ventilation, elevator or dumb waiter. A vent shaft is one used solely to ventilate or light water-closet compartments and bathrooms and in a tenement house or hotel, hereafter erected, no window or windows from a living room, bedroom, kitchen or other room or place used for cooking, preparation or storage of food, shall open onto such a vent shaft. Every vent shaft shall be open and unobstructed to the sky.

"Shall" whenever this word is used it shall be mandatory.

"Street" is any public street, public alley, thoroughfare or public park having a minimum width of sixteen feet, measured from the "front of lot" to the opposite "front of lot," and which shall have been dedicated or deeded to the public for public use.

"Tenement house" is any house or building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is oc-

occupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building.

"Wooden building" is a building which does not fully comply with the requirements of this act for a "fireproof building" or a "semifireproof building" as defined in this act. Every wooden building hereafter erected in any incorporated town, incorporated city or incorporated city and county shall have the exterior walls thereof and roofs thereon constructed of the same kind of materials and in the same manner hereinbefore provided for semifireproof buildings; provided, however, that the exterior walls of any wooden building may be constructed of wooden materials or stuccoed or veneered in an approved manner on wooden frame work. In every wooden building which is a tenement house designed and built to accommodate three or more families above the first story thereof, and in every wooden building which is a hotel designed and built to accommodate six or more guests above the first story thereof, the walls, partitions and ceilings of public hallways, soffits of interior stairways and stairwells shall be lathed with metal lath and plastered not less than three-quarters of an inch thick; provided, however, that in the case of a wooden building, erected prior to the passage of this act, which is hereafter altered or converted for use of a tenement house or hotel the provisions hereinbefore set forth as regards metal lath and plaster shall apply only to the new work therein or portion thereof which is renewed.

"Yard" is an open unoccupied space other than a court on the lot on which is situated a building, open unobstructed from the ground to the sky except where otherwise provided by this act. If such a yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If the yard is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If the yard extends from the rear yard to the front yard or front of lot, it is a "side yard."

Sec. 11. Whenever a building used for human habitation is erected behind another building or there is placed a building in the front of another building, the rear building shall have direct access to a street by means of a passageway not less than five feet wide, and not less than seven feet high if it passes through the building in the front thereof, and such passageway or portion thereof that passes through a building must be constructed as provided by section sixteen hereof regarding passageways.

Sec. 12. No semifireproof tenement house or hotel hereafter erected shall exceed six stories at any point, nor more than two times the width of the widest street to which the lot on which it is situated abuts. No wooden tenement house or hotel hereafter erected shall exceed three stories for living and sleeping purposes at any point nor more than thirty-six feet in height (except as hereinafter provided), nor more than two times the width of the widest street to which the lot on which it is situated abuts; provided, however, that semifireproof or wooden tenement houses or hotels may be erected of a height more than two times the width of the widest street to which the lots abut on which such tenement houses or hotels are situated; provided, that in such tenement houses or hotels each story that is built above the height hereinbefore prescribed is set back not less than six feet from the street facade of the story immediately below such story; and provided, further, that the height limit for semifireproof or wooden tenement houses or hotels above set out is not exceeded. For the purpose of determining the number of stories in a building the basement shall be counted a story. A wooden tenement house or hotel may be increased to a height not exceeding forty feet provided that the courts required by this act are not less in widths or areas than is required for a tenement house or hotel, as the case may be, having four stories designed for human habitation and provided such wooden tenement house or hotel shall not have more than three stories occupied or intended or designed to be

occupied for human habitation. The height of a building is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in case of a wooden tenement house or hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed forty feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed fifty feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot. For the purpose of this section the width of street shall be measured from the extreme front of the building to the front of lot opposite across the street.

Sec. 13. On every corner lot on which a tenement house is hereafter erected, at least ten per cent of such lot shall be left unoccupied. On every interior lot on which a tenement house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; provided, however, that if either of such lots extend through from one street to another street, or a public alley, or public park one-half of the narrowest street or public alley or public park to which the lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street or public alley or public park is greater than the rear yard required for the tenement house, then only as much of the said street or alley or public park as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

Sec. 14. On every lot on which a tenement house is hereafter erected there shall be provided a rear yard immediately behind such tenement house. In the case of an interior lot, such yard shall extend across the entire width of the lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into any yard. The minimum depth of a rear yard on an interior lot shall be not less than twelve feet for a building of sixty feet in height and the said yard shall be increased in depth two feet for each additional twelve feet in height of the building or fractional part thereof up to one hundred and eight feet, and the said yard may be decreased in depth one foot for each twelve feet in the height of the building less than sixty feet; provided, however, that in no event shall any such yard be less than ten feet in depth; and provide, further, that in the case where a building exceeds one hundred and eight feet in height the minimum depth of the said yard shall be twenty feet.

In the case of a corner lot the rear yard shall extend across the entire width of the lot and from the lowest floor which is used for living or sleeping apartments, clear and unobstructed to the sky. The minimum depth of a rear yard on a corner lot that does not exceed one hundred feet in depth shall be not less than ten per cent of the depth of the lot nor less than five feet nor less than the minimum width required for an outer court, and in case the lot exceeds one hundred feet in depth the depth of the rear yard shall be not less than ten feet nor less than the minimum width required for an outer court.

Except where otherwise provided the depth required for a rear yard shall be determined by the height of the rear wall of the tenement house which abuts on the said rear yard and measured from the top of such wall to the level of the floor of the yard at such rear wall; provided, however, that if either lot extends through from one street to another street, or to a public alley or public park, one-half of the narrowest street or public alley or public park to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section. In the case of a tenement house hereafter erected, designed and built to accommodate not more than two fam-

line above the first story thereof, the percentage of unoccupied space and sizes of rear yards may be one-half of that prescribed by sections thirteen and fourteen hereof, but in no event shall a rear yard be less than five feet in depth.

Sec. 15. Where a hotel hereafter erected is designed to have a rear yard the minimum size of such rear yard shall be not less in depth than the width of an inner court nor in area than the area of an inner court, except that if such rear yard is bounded on its entire one end or side by an outer court, or by a side yard or by a street, or by a public alley or park, then such rear yard shall be not less in depth than the width of an outer court; provided, however, that if the lot extends through from one street to another street or public alley, such public street or alley may be considered as a part of the lot in computing the rear yard.

In a dwelling hereafter erected, which is designed to have a rear yard the minimum depth of such yard shall be not less than four feet.

Sec. 16. Every rear yard required by this act, for a tenement house hereafter erected, and not bordering on a street or public alley shall have access to a street or public alley by means of an unobstructed passageway, separate from the main public hallway through the building, not less than three feet in clear width, nor less than six feet six inches in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath plastered not less than three-quarters of an inch thick, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained.

Sec. 17. Where a tenement house or hotel is now or hereafter erected upon a lot other than a corner lot no other building of any character or kind shall hereafter be placed on the front or the rear of such lot unless the minimum distance between such buildings shall be at least twenty feet, and two additional feet shall be added to such minimum distance of twenty feet for every story more than two in height of the highest building on such lot; provided, however, that the provisions of this section shall not apply when dwellings only stand upon or are to be placed on the lot.

Sec. 18. The depth of a rear yard for a tenement house or hotel shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 19. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Sec. 20. The width of every side yard shall be not less than the width required for an outer court and measured in the same manner as an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by a rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 21. The outer courts of all tenement houses hereafter erected shall have not less than the following minimum widths as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of outer court in every part	Maximum length of outer court
2 stories.....	4 feet 0 inches	60 feet
3 stories.....	4 feet 6 inches	75 feet
4 stories.....	5 feet 0 inches	90 feet
5 stories.....	5 feet 6 inches	105 feet
6 stories.....	6 feet 0 inches	120 feet
7 stories.....	6 feet 6 inches	135 feet
8 stories or more.....	7 feet 0 inches	150 feet

Provided, however, there shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length, except in the case of outer courts in tenement houses not more than two stories in height. The maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, however, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

The outer courts of all hotels hereafter erected shall have not less than the following minimum widths as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of outer court in every part
2 stories.....	4 feet 0 inches
3 stories.....	4 feet 6 inches
4 stories.....	5 feet 0 inches
5 stories.....	5 feet 6 inches
6 stories.....	6 feet 0 inches
7 stories or more.....	6 feet 6 inches

Outer courts for dwellings shall be governed by the same minimum widths herein provided for tenement houses of two stories in height and every such outer court shall contain at least forty square feet of floor or ground area.

Sec. 22. In no event shall any yard or court be made to serve two buildings hereafter erected, or an existing building and a building hereafter erected.

Sec. 23. The inner courts of all tenement houses hereafter erected shall have minimum areas and minimum widths in all parts not less than the areas and widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories.....	6 feet	75 square feet
3 stories.....	7 feet	120 square feet
4 stories.....	8 feet	160 square feet
5 stories.....	12 feet	250 square feet
6 stories.....	16 feet	400 square feet
7 stories.....	20 feet	625 square feet
8 stories or more.....	24 feet	840 square feet

Provided, however, that the minimum size of inner courts bounded on one side for their entire length by a lot line shall be not less than of the minimum areas and minimum widths contained in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is an apartment or apartments	Minimum width of inner court in every part	Minimum area of inner court in square feet
2 stories.....	5 feet	60 square feet
3 stories.....	6 feet	120 square feet
4 stories.....	7 feet	175 square feet
5 stories.....	9 feet	225 square feet
6 stories.....	12 feet	360 square feet
7 stories.....	15 feet	525 square feet
8 stories or more.....	18 feet	630 square feet

Every inner court in tenement houses hereafter erected and every inner court in any tenement house or hotel shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out. Any inner court, including inner courts one entire side of which is bounded by a lot line, for a tenement house hereafter erected designed and built to accommodate not more than two families above the first story thereof, may be reduced one foot in its width from the widths hereinbefore prescribed, and every such inner court shall contain an area of not less than sixty square feet. Inner courts for dwellings

shall be not less in width and area than hereinbefore provided for outer courts for dwellings.

Sec. 24. The inner courts of all hotels hereafter erected shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or dormitory or dormitories	Minimum width of inner court in every part	Minimum length of inner court
2 stories.....	5 feet	9 feet
3 stories.....	7 feet	10 feet
4 stories.....	10 feet	12 feet
5 stories.....	12 feet	16 feet
6 stories.....	14 feet	18 feet
7 stories.....	16 feet	20 feet
8 stories or more.....	16 feet	22 feet

Provided, however, that the inner courts bounded on one side for their entire length by a lot line shall have not less than the following minimum lengths nor less than the minimum widths in every part as set out in the following table:

Height of building in stories based on the full number of stories in the building measured upwards from and including the lowest story in which there is a guest room or guest rooms, or a dormitory or dormitories	Minimum width of court in every part measured at right angles to lot line	Minimum length of court running parallel to the lot line
2 stories.....	4 feet	9 feet
3 stories.....	5 feet	10 feet
4 stories.....	6 feet	11 feet
5 stories.....	7 feet	12 feet
6 stories.....	8 feet	13 feet
7 stories.....	9 feet	14 feet
8 stories or more.....	10 feet	15 feet

The minimum width of an inner court bounded by a lot line for a hotel shall always be measured at right angles to the lot line and the minimum length of such a court shall always be measured parallel to the lot line.

Sec. 25. Every recess from a court, yard or street in a tenement house or hotel hereafter erected shall be not less in width than its depth, and the area thereof shall not be counted in computing the area of a court or yard. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess is designed to serve.

Sec. 26. Every inner court, including inner courts bounded on one side for their entire length by a lot line in a tenement house hereafter erected shall be provided with a horizontal intake at the bottom of such court. Every such intake shall always extend directly to the front of lot or front yard or rear yard or to a side yard or to a street or to a public alley or public park. Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lathed with metal lath and plastered not less than three-quarters of an inch thick, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intake may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct or ducts, constructed of materials as herein above set forth and contain an interior aggregate area of not less than ten square feet, and in no dimension be less than twelve inches, and covered at each end with a wire screen with a mesh of at least one inch in diameter.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 27. In no tenement house or hotel shall any room in the cellar thereof be hereafter con-

structed, altered, or occupied for living or sleeping purposes; and no room in a basement of a tenement house or hotel shall hereafter be constructed, altered, or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and the ceiling of each such room shall be in all parts not less than seven feet above the adjoining ground level. Every basement shall be ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceiling thereof shall be plastered.

Sec. 28. In every tenement house or hotel hereafter erected, the lowest floor thereof, except masonry floors laid directly on the soil or self-supporting masonry floors, shall be at least twelve inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions of a size to insure ample ventilation.

Sec. 29. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather; and there shall be provided in every dwelling hereafter erected in any incorporated town, incorporated city or incorporated city and county a clear air space under the lowest floor thereof of at least six inches, except where there is a ventilated basement or cellar underneath such floor and except where masonry floors are laid directly on the soil, or there is used a self-supporting masonry floor. Such clear air space shall be enclosed and provided with a sufficient number of openings with screens, lattice work, or similar provisions, of a size to insure ample ventilation. The surface underneath the floor shall be kept clean and free from any accumulation of rubbish, debris or filth. All floors in such dwellings and the roofs thereon shall be constructed in the manner and of the materials and to sustain the live loads elsewhere in this act provided.

Sec. 30. In every apartment in every tenement house hereafter erected there shall be at least one room that contains not less than one hundred twenty square feet of superficial floor area, and every other room shall contain not less than eighty square feet of superficial floor area. In every hotel hereafter erected each guest room shall contain not less than eighty square feet of superficial floor area.

Open sleeping porches or enclosed sleeping porches and similar rooms may be designed and built with a superficial floor area of seventy square feet; provided, such porches or rooms are designed and built with windows on at least two sides thereof or with window areas of twice the minimum size in this act elsewhere prescribed for rooms and in no event of a window area of less than twenty-four square feet, and provided such windows open onto a street, yard, or court.

Every kitchen in a tenement house hereafter erected shall contain not less than fifty square feet of superficial floor area.

In every tenement house hereafter erected, designed, or built to accommodate three or more families above the first story thereof, and in every hotel hereafter erected, every room shall have a ceiling height of not less than nine feet, measured from the finished floor to the finished ceiling; and in every other tenement house hereafter erected, every room shall have a ceiling height of not less than eight feet and six inches measured from the finished floor to the finished ceiling. The minimum width of every room in a tenement house or hotel hereafter erected shall be not less than six feet at any point. Attic rooms and rooms where sloping ceilings occur need only have the prescribed ceiling heights in not less than one-half of the

area of the room. The foregoing provisions of this section shall not apply to water-closet, bath or slop-sink compartments, nor to closets, recesses from rooms and dressing rooms, nor shall the minimum width of rooms apply to kitchens.

Every water-closet compartment in every building hereafter erected, shall be not less than thirty inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, closet and recess from a room shall have a ceiling height of not less than seven feet and six inches, measured from the finished floor to the finished ceiling. In every tenement house designed and built to accommodate three or more families above the first story thereof and hotel hereafter erected, every closet, recess from a room or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room or dressing room) shall conform to all of the provisions of this act for rooms and shall contain not less than eighty square feet of superficial floor area.

No part of any room in any tenement house or hotel shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act.

Entertainment, amusement, or reception rooms hereafter constructed, altered or converted, in a tenement house or hotel shall conform to the provision of section thirty-two of this act.

Dormitories hereafter constructed, altered or converted in any building shall conform to the provisions of section sixty-two of this act.

Sec. 31. In every building hereafter erected, every living room, bedroom, guest room, dormitory, kitchen, scullery, pantry (except pantries in apartments) or other room in which food is stored or prepared, dining room, general amusement, entertainment or reception room and room or compartment wherein there is installed a water-closet, shower, bathtub or toilet or general utility room shall have a window or windows of the area hereinafter required, opening onto a street, public alley, or a yard or court of the dimensions specified in this act and located on the same lot.

All such windows shall be located so as to properly light all portions of the room or compartment as the case may be, and shall be made and arranged so that at least one-half of the aggregate window area, required in each such room or compartment, may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft shall be not less than the minimum size and constructed of the materials and in the manner prescribed by section fifty-six of this act.

Nothing in this section shall be construed to prohibit windows from hallways and rooms to open through roofed porches that do not diminish the percentage of unoccupied space, or sizes of yards and courts, required by this act, provided, that such windows face the street, yard or court to which such porches abut.

In a hotel, water-closet or shower compartments, bath, toilet, kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, and in a tenement house or hotel, general amusement rooms, reception rooms, public dining rooms, and general utility rooms in lieu of windows, may be ventilated by an exhaust system of ventilation installed, constructed and maintained as hereinafter prescribed by section sixty hereof.

Sec. 32. Every room in every tenement house hereafter erected; and every room, kitchen, scullery, pantry or other room in which food is stored or prepared, and general utility room, in every hotel hereafter erected, and every room used for living and sleeping purposes and every kitchen in every dwelling hereafter erected,

shall have one or more windows the total area of which shall be at least one-eighth of the superficial floor area of the room or compartment such window or windows are designed to serve, and in no event shall the aggregate window area in a room be less than twelve square feet, and in rooms in a tenement house or hotel no single window shall be less than six square feet in area; provided, however, that rooms in dwellings designed to be occupied by but one family shall have a minimum aggregate window area of twelve square feet irrespective of the floor area of the room.

In every building hereafter erected the window area in a water-closet compartment, bath, toilet, or shower room, shall be not less than three square feet, and in a tenement house or hotel the aggregate area of windows for each such compartment or room shall be not less than six square feet, and in each such compartment or room containing more than one water-closet, bath, or urinal the aggregate window area shall be equivalent to three square feet for each water-closet, bath or urinal therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

In every tenement house or hotel hereafter erected, the total window area in each room used or intended or designed to be used for the purpose of amusement, entertainment, reception room, public dining room or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred and eighty square feet, shall be at least one-eighth of the superficial floor area of such room. Every such room which has a superficial floor area, exceeding one hundred and eighty square feet shall have an aggregate window area not less than that required for a room of one hundred and eighty square feet of superficial floor area.

Every such amusement, entertainment, or reception room, or public dining room, or room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping rooms.

All measurements for window area shall be taken to the outside of the sash.

Sec. 33. In every tenement house hereafter erected, every public hallway that serves three or more apartments on any floor, and in every hotel hereafter erected, every public hallway that serves five or more guest rooms on any floor, shall have at least one window opening directly onto a street, or onto a yard or a court of the dimensions specified in this act and located on the same lot; such window or windows shall be at the end of the public hallway or placed so as to secure the maximum light into the hallway; provided, however, that in tenement houses or hotels not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet, (measured from a vertical line) from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in

length than three times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, or windows in rooms of any building, may be used in lieu of windows therein.

Sec. 34. In every tenement house or hotel two or more stories in height, hereafter erected, where there are more than three apartments, in the case of a tenement house, and more than five guest rooms in the case of a hotel, on any one floor above the first floor thereof, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels, except that in tenement houses or hotels, not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-three hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of glass in the skylight.

Sec. 35. In every tenement house hereafter erected, every apartment that contains four or more rooms, exclusive of bath rooms, shall be so arranged that access may be had to a water-closet compartment, without passing through any bedroom.

Sec. 36. In every tenement house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment.

In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men" and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms or fractional part thereof in excess of ten guest rooms on such floor which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve.

In every dwelling hereafter erected there shall be provided one water-closet for each family living therein; provided, however, that in the case of group dwellings and in dwellings where there live persons not living together as families, the department charged with the enforcement of this act may at its discretion issue a special permit whereby there shall be provided at least one water-closet for each sex, located

in a separate compartment, and such compartments shall be distinctly marked "for men" and "for women." Such two water-closets shall not serve more than four families and there shall be provided one additional water-closet for each additional two families or lesser fractional part thereof in excess of four families. In the case of persons not living together as families there shall be provided not less than one water-closet for each ten such persons or fractional part thereof of each sex in the aforesaid manner.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored in a tenement house or hotel.

The walls enclosing a water-closet compartment shall be well plastered, or constructed of or painted with some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every water-closet compartment hereafter constructed, in a tenement house or hotel, shall be made waterproof with asphalt, tile, marble, terrazzo, cement or some other similar nonabsorbent material, and such waterproofing shall extend not less than two inches on the vertical walls of the compartment.

Sec. 37. In every tenement house erected prior to the passage of this act there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women."

In every hotel erected prior to the passage of this act there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets; provided, however, that the housing department charged with the enforcement of this act may exempt any building existing at the time of the passage of this act from fully complying with the provisions of this and the preceding paragraph of this section, when in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the building or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; provided, further, that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Every water-closet hereafter installed in a building erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in buildings hereafter erected, except that in the case of water-closets and baths installed in the top story of any building, the compartment in which they are installed may be ventilated by a skylight with fixed louvers in lieu of a window or windows; provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location.

Every building erected prior to the passage of this act, or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault, or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is

required by the provisions of this act in buildings hereafter erected.

Sec. 38. In every tenement house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; provided, that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway.

In every tenement house hereafter erected there shall be at least one kitchen sink within each apartment. In every hotel hereafter erected there shall be installed not less than one bathtub or shower, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; provided, that the said bathtub or shower is on the same floor and is accessible from each guest room through the public hallway.

The walls and floors of every bath or shower room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in tenement houses and hotels hereafter erected.

Every dwelling hereafter erected, designed and built to accommodate four or more families shall be provided with at least one bathtub or shower-bath and for each four families or fractional part thereof in excess of four families there shall be provided an additional bathtub or shower-bath. Such bathtubs or shower-baths shall be located in a suitable compartment or compartments therefor. Every dwelling hereafter erected, designed and built to accommodate ten or more persons not living together as families shall be provided with at least one bathtub or shower-bath and for each fifteen such persons or fractional part thereof in excess of the first ten persons living therein there shall be provided an additional bathtub or shower-bath. Such bathtubs or shower-baths shall be located in a suitable compartment or compartments therefor.

Sec. 39. In every tenement house erected prior to the passage of this act there shall be provided, at least one bathtub or shower in a separate compartment, located on the same floor, for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment.

In every hotel erected prior to the passage of this act there shall be installed not less than one bathtub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths; provided, that the said bathtub or shower is located on the same floor and is accessible from each guest room through the public hallway.

Provided, however, that the department charged with the enforcement of this act may exempt any tenement house or hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or hotel or premises, or it is impractical to fully comply with the aforesaid provisions because of structural reasons that exist in the building; provided, further, that no such exemption shall apply to any addition or extension to a tenement house or hotel.

Sec. 40. In every building hereafter erected, and in every building erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and in every tenement house or hotel hereafter erected, or erected prior to the passage of this act, there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed.

Every plumbing fixture affecting the sanitary drainage system of every building hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the

street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer. Whenever deemed necessary for the health of the occupants and the sanitation of the building or premises, and so ordered by the department charged with the enforcement of this act, there shall be installed in the building, properly connected with the building sewer line, an approved type of automatic sewer flushing device that will have a discharge sufficient to thoroughly cleanse such sewer line.

Sec. 41. Water-closets, baths, showers, sinks, slop-sinks, faucets, and other plumbing fixtures required by this act need not be installed in the event that the building hereafter erected or an existing building as the case may be, is situated where there is no running water and where there is no practicable means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals. All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sec. 42. In every building hereafter erected, and in every existing tenement house and hotel, all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In no building hereafter erected and in no existing tenement house or hotel shall any water-closet, sink, slop-sink, wash tray or lavatory be enclosed with woodwork, but the space under and around same must be left open, and all woodwork enclosing such plumbing fixture shall be removed and the floors and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made nonabsorbent.

In every building hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass, except house sewer connections which may be of cast iron, vitrified clay or machine made glazed cement pipe, and every gas and water service connection hereafter made

shall be of steel or iron and shall be equipped with cut-off valves placed outside of the building and readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act may cause the fixture to be removed and cause it to be replaced by a fixture conforming to the provisions of this act.

Sec. 43. Every fireproof tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every semifireproof tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each five thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden tenement house or hotel hereafter erected shall have not less than one stairway, not less than three feet wide, for each four thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every tenement house or hotel three or more stories in height hereafter erected, shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 44. The largest floor area above the first or ground floor shall be used as the basis for computing the number of stairways required in every tenement house or hotel hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 45. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, and shall be as far removed from each other as practicable, and shall, in conjunction with the fire escapes hereinafter required for tenement houses and hotels, provide two reasonable means of egress from each apartment, in a semifireproof or wooden tenement house that is three or more stories in height and has three or more apartments on any one floor above the first floor thereof, and from each guest room in a semifireproof or wooden hotel that is three or more stories in height and has six or more guest rooms on any one floor above the first floor thereof.

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, and then only if the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter, gas heater or furnace, nor shall any such boiler, meter, heater or furnace be placed or located under a stairway, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-eight of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 46. Every stairway hereafter constructed, in a tenement house or hotel, shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit.

In every building three or more stories in height, the depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Stairways required by this act shall be continuous from the ground floor level to the top story and the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the aggregate width of the stairways, from the first to the second floor, is increased not less than fifty per cent.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The width of all stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 47. No closet of any kind shall be constructed under any wooden stairway, in any tenement house or hotel of more than two stories in height designed and built to accommodate three or more families or six or more guests above the first story thereof, but such space shall be kept entirely open, and be kept clean and free from all encumbrances, or such space shall be effectually closed with walls of studs, lathed with metal lath and plastered not less than three-quarters of an inch thick, with no door or opening of any kind therein.

Sec. 48. In every tenement house designed and built to accommodate three or more families above the first story thereof or hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure if the pitch of roof makes it practicable to construct such a penthouse or roof structure with safety to the occupants that may have occasion to use such egress, otherwise in such building there shall be constructed a scuttle in the public hallway over the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath and plastered not less than three-quarters inch thick; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every now existing tenement house or hotel of more than two stories in height, that is not provided with a stairway to the roof as hereinbefore prescribed shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway, and there shall be provided a stairway or a stationary ladder, leading from the top floor of such tenement house or hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 49. Public hallways and corridors from stairways shall be measured in the same manner as the stairways and be not less than three feet in width.

Sec. 50. On every tenement house or dwelling hereafter erected more than two stories in height, designed and built to accommodate two or more families above the second story thereof, and on every hotel hereafter erected more than two stories in height, designed and built to accommodate four or more guests above the second story thereof, there shall be provided at least one fire escape. On every such semifireproof or wooden tenement house or hotel wherein the floor area exceeds four thousand square feet on any one floor above the second floor thereof,

there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof, in excess of the first four thousand square feet of floor area hereinbefore provided; and on every such fireproof tenement house or hotel wherein the floor area exceeds six thousand square feet on any one floor above the second floor thereof, there shall be provided one additional fire escape for each five thousand square feet of floor area or fractional part thereof in excess of the first six thousand square feet of floor area hereinbefore provided.

Fire escapes required by this act shall be one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under the same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for "type one" and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor open-

ings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such fire and smoke towers to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terracotta tile, concrete or reinforced concrete not less than eight inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over the fire and smoke tower unless that such covering is constructed of approved incombustible materials; and that in the said covering there is provided permanent open louvers or other permanent unobstructed openings to the outer air and that such permanent open louvers or other permanent unobstructed openings shall be of an aggregate open area equivalent to fifty per cent of the aggregate superficial area of the covering, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 51. In any tenement house or hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and

constructed as a stairway and a fire escape combined; provided, that there is at least one other stairway or one other fire escape, constructed in accordance with the provisions of this act, in the said building.

Sec. 52. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front in the case of a semifireproof or wooden tenement house or hotel. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be located so that each apartment in a tenement house and each guest room in a hotel has direct egress thereto without passing through another apartment or room; or if a public parlor, public lobby or similar room is connected directly with the public hallway, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing toward and marking the locations of fire escapes shall be placed on each floor.

Sec. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimensions) and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per linear foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or to the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

The basis for computing floor areas in relation to fire escapes shall be determined in the same manner hereinbefore provided for stairways.

Every fire escape, in or on a tenement house or hotel hereafter erected, or in or on an existing tenement house or hotel, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 54. On every tenement house or hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or the ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape, or line of windows where there is no fire escape, on the street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escape or windows.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which

will meet the standard connections of the local fire department of the municipality in which such tenement house or hotel is being erected.

The standpipes required by this section need not be installed in any tenement house or hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 55. In every fireproof tenement house or hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terracotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed with metal lath and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semifireproof or wooden tenement house or hotel hereafter erected every such shaft shall be inclosed by walls constructed as provided by this act for a fireproof building or such walls may be constructed with wood studs, with firestops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters of an inch thick.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth (1/4) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth (1/4) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvres.

Sec. 56. In every tenement house or hotel hereafter erected every vent shaft shall be enclosed with walls constructed the same as is required by this act for an elevator shaft in the same class of building. Such a vent shaft may, in a semifireproof or wooden tenement house or hotel be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be of Portland cement plaster.

Every vent shaft by this act provided for a tenement house shall be not less than four feet in any direction and be at least sixteen square feet in area; provided, however, that a vent shaft that is bounded on one or more sides by a lot line may be not less than two feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area one square foot for each additional ten feet or fractional part thereof above fifty feet.

Every vent shaft by this act provided for a hotel shall be not less than thirty inches in its least dimension and contain an unobstructed area of not less than twelve square feet. Every vent shaft shall be open and unobstructed to the sky and at the roof line every vent shaft in a tenement house or hotel shall be provided with parapet wall or rail at least thirty inches in height so constructed that no person may walk in or fall into such shaft.

Every such vent shaft in a tenement house hereafter erected shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fire resistive material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Whenever the end of an intake is capped, hooded or otherwise covered, there shall always be provided a clear space of not less than four inches above and between the end of such intake and the lower part of the cap, hood or other covering. Plumbing, gas, steam or other similar pipes may be placed in vent shafts in tenement houses or hotels.

Every vent shaft shall be so arranged as to permit of its being readily cleaned out. The provisions of this section shall not apply to dwellings, nor to tenement houses not exceeding two stories in height designed and constructed with no more than two apartments for use of not more than two families above the second floor thereof, nor to hotels not exceeding two stories in height designed and constructed with no more than six guest rooms for use of no more than six persons on the second floor thereof; provided, however, that any vent shaft constructed in any such buildings shall be not less than eighteen inches in its least dimension and shall be open and unobstructed to the sky.

Sec. 57. The walls of every inner court in a fireproof tenement house or hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semi-fireproof or in a wooden tenement house or hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof buildings or may be of wood studs, with fire stops between the studs at each floor and half way between each floor, lathed on both sides with metal lath and plastered not less than three-quarters inch thick. Plaster on the weather side of such inner court walls shall be Portland cement plaster, or such inner court walls may be lined, on the weather side, with metal of not less than twenty-six gauge, in lieu of metal lath and plaster.

Sec. 58. In every tenement house or hotel hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil or other fluid fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or concrete or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space not less than seven-eighths inch between the two ceilings; each ceiling shall be metal lathed and be plastered not less than three-quarters inch thick. The floor of a boiler room shall be of concrete not less than two (2) inches thick.

Any door in the wall of such rooms shall be a fire-resisting door, constructed of three (3) thicknesses of seven-eighths (7/8) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth (1/4) inch thick, set in a metal or metal covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the walls.

Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 59. In every tenement house or hotel hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone, concrete tile or blocks, or terra cotta tile, not less than six (6) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than seven-eighths (7/8) of an inch thick covered with asbestos paper one-eighth (1/8) of an inch thick, and then covered with No. 26 (gauge) galvanized iron, or such enclosing partitions may be constructed of studs lathed on both sides with metal lath and plastered with Portland cement plaster not less than three-quarters of an inch thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material or materials similar to that used in the construction of its walls, or shall be lathed with metal lath and be well plastered not less than three-quarters of an inch thick. The floor of every such room shall be of concrete not less than two (2) inches thick.

Every door window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by this act for doors, windows and other openings in a boiler room.

In no tenement house hereafter erected shall any portion of the building be used as a public automobile garage, public automobile repair shop, public machine shop, public gasoline or oil station or store, but in the case of a hotel, hereafter erected, if any portion of the building is used as a public automobile garage, automobile repair shop or machine shop, gasoline or oil station, the room shall be constructed as in this section provided and the ceiling thereof shall be constructed either of masonry, or of a double ceiling lathed with metal lath and with a space between the two ceilings of not less than six inches measured vertically. The lower ceiling shall be suspended with iron or steel channels. In each case each of the ceilings shall be plastered not less than three-quarters of an inch thick.

Sec. 60. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, and in every tenement house hereafter erected general amusement, entertainment and reception rooms and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent exhaust ducts extending from each such room or compartment to the outer air above the highest roof of the building, and such exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; laundries, general amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for

the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth surfaced nonabsorbent material and so arranged that they may be readily cleaned out.

Any person in charge of a building in which a system of fan exhaust ventilation is installed and used as in this section prescribed, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Sec. 61. Every building hereafter erected shall be constructed in a safe and substantial manner; the materials used therein shall be of substantial stock and of the kinds in this act elsewhere provided; the footings, foundations, walls, joists, studding, girders, columns and all other bearing portions shall be of such sizes and so constructed to safely sustain in all parts all the live and dead loads transmitted thereto. Each floor shall be constructed to safely sustain a live load of not less than forty pounds to each square foot. Each roof shall be so constructed to safely sustain a live load of not less than twenty pounds to each square foot. The loads shall be computed on the basis of at least a factor of safety of four. Schedules for weights of materials, and formulas used for computing loads, shall be of standard recognized practice including those contained in "F. E. Kidder Architects and Engineers' Pocket Book," "American Civil Engineers' Pocket Book," and other standard architects and engineers handbooks. For the purposes of this act the term "dead load" shall be deemed to be the weight of the walls, partitions, framing, floors, roofs and similar permanent construction that enters into a building, and the term "live load" shall be deemed to be all other forms of loading in the building including the assumed live loads for floors and roofs above set forth.

In every tenement house or hotel hereafter erected, the studs in every bearing wall and partition shall be not less than two inches by four inches (2"x4"), and in every such building that exceeds two (2) stories in height the studs in every bearing wall and partition below the second floor thereof shall be not less than two inches by six inches (2"x6") or the equivalent thereof. Every stud wall and partition shall have five stops at each floor and ceiling and at approximately half-way between the floor and the ceiling, except that where two (2) inch plates are used the full width of the studs at the floor and ceiling of a wall or partition then the fire stops at the floor and ceiling may be omitted. Each stud wall and partition shall be diagonally braced at each corner and at least once in each twenty-five (25) foot length thereof, except where such exterior walls and partitions are plastered and back-plastered with Portland cement plaster on expanded metal lath reinforcement that weighs not less than three and four-tenths (3.4) pounds to the square yard. Every such partition or wall that is plastered and back-plastered shall be plastered not less than three-quarters (¾) of an inch thick and back-plastered between the studs not less than one-half (½) of an inch thick in an approved manner so that the expanded metal lath will be thoroughly imbedded in the plaster. Over each bearing partition or wall and at the exterior walls, the space between the floor joists shall be blocked solid with blocks not less than two (2) inches thick and the full depth of the joists. No wooden floor joists less than two inches by eight inches (2"x8") shall be used to support any floor above the first floor of any such building and such floor joists shall not be spaced more than sixteen (16) inches apart. No span of such two inch by eight inch (2"x8") floor joist shall exceed fourteen (14) feet. All joists that span more than fourteen (14) feet or that otherwise vary from the foregoing dimensions or that support loads other than the live floor loads, shall be of such sizes as to safely sustain the

loads transmitted thereto. No floor joist or other bearing support shall be cut or notched for any purpose unless reinforced to take up the weakness caused thereby. Every span of wooden floor joists shall be cross-bridged with two (2) inch cross-bridging at intervals not more than seven (7) feet apart, and a bearing partition, wall, girder or other support under such joists that is blocked solid over the top thereof between the joists as hereinbefore provided shall take the place of a cross-bridging. Wherever the soil conditions make it practicable to do so, every tenement house or hotel hereafter erected shall have a masonry foundation composed of hard incombustible materials and the footings of such foundation shall in no case be less than sixteen (16) inches wide at the bottoms thereof and the foundation walls shall not be less than six (6) inches wide at the tops thereof. The footings of such foundation walls shall not be less than ten (10) inches below the surface of the adjoining ground levels and such foundation walls shall extend at least six (6) inches above the adjoining ground levels. The width of such foundation walls and footings shall be increased whenever necessary to support additional loads transmitted thereto.

Sec. 62. Every dormitory hereafter constructed, altered, or converted in any building shall be as follows:

(a) In no one dormitory shall there be provided sleeping accommodations for more than twenty persons.

(b) The ceiling height, measured from the finished floor to the finished ceiling shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds; provided, however, that in a dormitory in which the clear ceiling height is not less than twelve feet measured between the finished floor and finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; provided, that in no event shall there be less than three feet of clear vertical space between the beds, or tier of beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the underside of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street or a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some other hard, smooth, incombustible and nonabsorbent material.

(e) Every existing dormitory maintained and erected prior to the passage of this act shall be made to conform to the provisions of subsection (a) of this section.

Sec. 63. In any existing tenement house or hotel every additional room or hallway that is hereafter constructed or created may be of the same height as the other rooms or hallways on the same story of such building.

Sec. 64. Every room in a tenement house or hotel erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvres directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every tenement house or hotel erected prior to the passage of this act, which does not conform to the provisions for

public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 65. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room or water-closet compartment, or in any other place which in the judgment of the department charged with the enforcement of this act, is detrimental to the health of the occupants or the proper sanitation of the building.

In a hotel food shall be cooked or prepared in a room or a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored or prepared in a hotel, shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

It shall be unlawful for any person to use for living and sleeping purposes or permit or suffer any person to use for living or sleeping purposes any cellar, bath or shower compartment, slop-sink room, water-closet compartment, or any other room or place which does not comply with the provisions of this act, or which in the judgment of the department charged with the enforcement of this act would be dangerous or prejudicial to life or health by reason of its overcrowded condition or the want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors.

Sec. 66. In every tenement house or hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every tenement house or hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, passageway, public stairway, fire escape egress, elevator, public water-closet compartment, or toilet room.

Sec. 67. The walls and ceilings of every sleeping room in every tenement house or hotel shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color. Not more than two thicknesses of wall paper shall be placed upon any wall, partition or ceiling of any room in any tenement house or hotel. Where any such wall, partition or ceiling has two thicknesses of wall paper thereon the old wall paper shall be first removed therefrom before repapering. Nothing in this section contained shall prohibit painting or calcimining over wall paper.

Sec. 68. Every building shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter. Every semifi reproof building and wooden building hereafter erected shall have the roofs thereof constructed and covered and maintained in good repair with materials as in this act hereinbefore provided for semifi reproof buildings.

All portions of the lot about the building, including the yards, areaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act

deems it necessary, for the protection of the health of the occupants of a tenement house or hotel, or for the proper sanitation of such premises, it may require that the lot, yards, areaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 69. There shall be provided, whenever it is deemed necessary for the health of the occupants of any building or for the proper sanitation or cleanliness of such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 70. There shall be provided for every building, such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Such receptacles shall be kept in a clean condition by the occupants or tenants in a tenement house or dwelling, and by the owner or person in charge in the case of a hotel, and in case of a chute or shaft by the person in charge of or in control of the building.

Sec. 71. In every building, every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink, or wash-room, plumbing fixture, drain, roof, closet, cellar or basement and the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or permit or cause any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same, or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same, or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment or in or about the building or premises thereof, for such length of time as to create a nuisance.

Sec. 72. In every tenement house or hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same, and free from the infection of lice, bedbugs or other insects. In a hotel the bed linen shall be changed as often as a new guest occupies the bed. No roller or public towel shall be kept or maintained for the common use of a hotel.

Sec. 73. In no tenement house or hotel or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 74. No horse, cow, calf, swine, sheep, goat, rabbit, mule, chicken, pigeon, goose, duck or other poultry shall be kept in any building or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained within twenty feet of any window or door of such building.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any tenement house, unless the ceilings and side walls of the place in which fat is boiled is constructed of approved fire resistive materials, with no openings connecting into the tenement

house, and so separated and arranged as to prevent odors from entering such building.

Sec. 75. In every tenement house in which eight (8) or more families reside, or hotel in which there are twelve or more guest rooms, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such tenement house or hotel or on the same lot or premises thereof and have charge of same.

Sec. 76. In case any tenement house, hotel or dwelling or any part thereof, is constructed, altered, converted or maintained in violation of any of the provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house, hotel, or dwelling, or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, hotel or dwelling, to prevent any illegal act, conduct or business in or about such tenement house, hotel or dwelling or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, hotel, or dwelling, or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, hotel, dwelling, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Sec. 77. Every fine imposed by judgment under section six of this act upon a tenement house, hotel or dwelling owner shall be a lien upon the building or house in relation to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house, hotel or dwelling is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 78. In any action or proceeding instituted by the department charged with the enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was insti-

tuted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice, and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

Sec. 79. In every incorporated town, incorporated city, and incorporated city and county every owner of a tenement house or hotel and every lessee of the whole of a hotel or tenement house, or other person having control of a tenement house, or hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments in a tenement house, and the number of rooms in a hotel. In case of a transfer of any tenement house, or hotel, it shall be the duty of the grantee of said tenement house or hotel to file in the housing department a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property, to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty (30) days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Sec. 80. In every incorporated town, incorporated city, and incorporated city and county every owner, agent or lessee of a tenement house or hotel shall file in the housing department a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 81. The names and addresses filed in accordance with sections seventy-nine and eighty hereof shall be indexed by the housing department in such a manner that all of those filed in relation to each tenement house or hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 82. Every notice or order in relation to a tenement house, hotel or dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 83. In any action brought by any department charged with the enforcement of this act in relation to a tenement house, hotel or dwelling, for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Sec. 84. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of tenement houses, hotels and dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordi-

nance, law, regulation or ruling of any municipal or county department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts the percentage of the lot to be covered by a building, the number of stories or height of a building or number of apartments or rooms therein, or the occupation thereof, the materials to be used in the construction, or that increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict, the percentage of the lot to be covered by a building within said municipality, the number of stories or height of a building or number of apartments or rooms therein, the occupation thereof, the materials to be used in the construction, or to increase the size of the yards or courts, or the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 85. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 86. This act shall take effect and be in force from and after September 1, 1921.

Sec. 87. The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948," approved April 10, 1911, Statutes of California of 1911, page 860, and approved June 13, 1913, Statutes of California, 1913, page 737, and approved May 29, 1915, Statutes of California, page 952, and all acts amendatory thereof," approved May 31, 1917, Statutes of California of 1917, page 1473, is hereby repealed.

The act entitled "An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, Statutes of California of 1913, page 1429, and approved May 31, 1917,

Statutes of California of 1917, page 1422," is hereby repealed.

The act entitled "An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof, and approved May 31, 1917, Statutes of California of 1917, page 1461," is hereby repealed.

EXISTING PROVISIONS.

The Tenement House Act of 1917, the Hotel and Lodging House Act of 1917 and the Dwelling House Act of 1917, proposed to be repealed, read as follows:

(Provisions differing from proposed Housing Act are printed in italics.)

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of tenement houses, and the maintenance, use and occupancy of the premises and land on which tenement houses are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof, and repealing an act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948," approved April 10, 1911, Statutes of California of 1911, page 860, and approved June 13, 1913, Statutes of California, 1913, page 737, and approved May 29, 1915, Statutes of California, page 952, and all acts amendatory thereof.

The people of the State of California do enact as follows:

Section 1. This act shall be known as the "state tenement house act" and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of tenement houses and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the "housing department" or if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of tenement houses after said tenement houses have been erected, constructed, or altered, as the case may be, and the certificate of "final completion" has been issued by the building department, and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no housing department or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or

alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings; or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have, and it is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of tenement houses in all incorporated towns, incorporated cities and incorporated cities and counties, and counties in the State of California, whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any tenement house or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any tenement house or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any tenement house or any portion thereof, or of the premises thereof; contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes, or reconstruction work of any kind whatsoever, to any tenement house erected prior to the passage of this act, or to any tenement house hereafter erected, or to increase the height or the percentage of the lot occupied, in any manner which would be inconsistent with any of the provisions of this act, or in violation of the said provisions of this act, or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a tenement house at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become

subject to all of the provisions of this act affecting tenement houses hereafter erected.

A building used as a tenement house at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting tenement houses hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any tenement house which is hereafter damaged by fire or the elements to an extent in excess of fifty-one (51) per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting tenement houses hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of tenement houses or premises unlawfully occupied, or for the abatement of a nuisance in connection with a tenement house or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, or alteration of a tenement house, or to move or to build upon a tenement house, or to convert a building or any portion thereof into use as a tenement house, without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Such application shall give a detailed statement in writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the tenement house or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered, or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor; also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed tenement house, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved

by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion of any such tenement house, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon shall be kept upon the premises of the tenement house or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the tenement house, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to be occupied, any tenement house hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

It shall also be unlawful to occupy any existing tenement house until a permit of occupancy has been issued by the department designated to issue such permit.

Every permit of occupancy shall be renewed each calendar year by the department designated to issue the said permit; provided, that no structural alterations or changes have occurred since the issuance of the certificate of final completion; and provided, that all other provisions of this act have been complied with.

Any person desiring a certificate shall file a notice with the department charged with the enforcement of this act. Said department shall cause an inspection to be made of the said tenement house or portion thereof, or work described in the said notice, within ten days after written application therefor, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of such statements or records required by the department, after the "certificate of final completion" has been issued; provided, that no violations have occurred since the issuance of the certificate of final comple-

tion, or, in the case of a tenement house erected prior to the passage of this act, and for which no certificate of final completion has been issued, then after the said department has caused an inspection to have been made of the said tenement house and has found that all of the provisions of this act applying to such tenement house have been complied with.

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

Any tenement house hereafter erected, altered, converted or moved, which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance, and the department or departments charged with the enforcement of this act may cause it to be vacated until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter tenement houses or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter tenement houses or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter tenement houses, or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "housing department," "health department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the tenement house is situated.

"Apartment" is a room or suite of rooms which is occupied, or is intended or designed to be occupied by one family for living and sleeping purposes.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which is approved by local ordinance of the municipality in which the building is situated, or any appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "national board of fire underwriters"; provided, however, that no such material, appliance, appurtenance, or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the

curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

Every basement is a story.

"Building" is a tenement house.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels.

"Court" is an open, unoccupied space other than a yard on the lot on which is situated a tenement house. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story of the building in which there are windows from rooms or apartments abutting the said court, except that a cornice on the building may extend into an "outer court" two inches for each one foot in width of such court, and a cornice may extend into an "inner court" one inch for each one foot in width of such court.

"Curb level" is the curb level opposite the center of the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Fireproof tenement house" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone, or by means of a skeleton framework of steel or iron, the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone or hollow terra cotta tile; where all the structural steel or iron is thoroughly fireproofed by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either hollow terra cotta tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath and plastered not less than three-quarters inch thick including the plaster board, or constructed of wire glass not less than one-fourth inch thick, set in metal frames and sash, and all other materials used in the said building are of approved incombustible material, except that the glass in windows, transoms, or doors may be plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the stairways and public hallways.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of tenement houses, hotels, or dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Kitchen" is any room in any apartment used or intended or designed to be used for cooking purposes and for the preparation of food.

"Lot" is a parcel or area of land on which is situated a tenement house, together with the land, yards, courts and unoccupied spaces for such a tenement house as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the tenement house.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets, is a "corner lot." Any parts of the width of such a corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof.

A lot which has only one boundary line bordering on a public street is an "interior lot."

"Rear lot" is a parcel or area of land having no boundary line bordering on a street, or having less than one-half of its width as a boundary line bordering on a street.

"Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either of such boundary lines may be the "front of lot."

"Rear of lot" is the boundary line of lot opposite the "front of lot."

"Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Occupied space" is all the space covered by a tenement house, including outside stairways, platforms, fire escapes, balconies, fire towers, chimneys, stacks, vent shafts, not exceeding thirty-two square feet in area, cornice, or any part thereof, which projects into an inner court more than one inch for each one foot in width of such court, or which projects into an outer court or yard more than two inches for each one foot in width of such outer court or a yard, except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not exceeding four feet beyond the exterior walls of the building into a front or rear yard, and except that a retaining wall may extend not to exceed twelve inches into a yard or court. For the purpose of determining occupied space, the area of the building shall be taken at the lowest story or portion thereof used for living or sleeping purposes.

"Person" is a natural person, his heirs, executors, administrators or assigns; and also includes a firm, partnership or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within an apartment, and includes stairways, landings and platforms.

"Rear tenement house" is a tenement house on a "rear lot."

"Semifireproof tenement house" is a building with all exterior walls and walls of inner and outer courts constructed of brick, stone, concrete, reinforced concrete or hollow terra cotta tile; except that the walls of an inner court, which court is surrounded on four sides by the same building, may be constructed as provided in this act for such inner courts; interior partitions and floors constructed of approved incombustible materials or of wood, with all ceilings, partitions, soffits of stairways, and outside stringers of open stairways and stair wells metal lathed and plastered not less than three-quarters inch thick including the lath or lathed with an approved plaster board plastered not less than three-quarters inch thick including the plaster board; in which all finished floors, frames, doors and the usual trim of rooms and hallways may be built of wood and the roof of which shall be

covered with at least a composition fire-retardant material.

"Shall." Whenever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the "front of lot" to the opposite "front of lot," and which shall have been dedicated or deeded to the public for public use.

"Tenement house" is any house or building, or portion thereof, more than one story in height, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their cooking in the said building; provided, however, that any building not more than two stories in height which is designed, built, rented, leased, let or hired out to be occupied, or is occupied, as the home or residence of not more than four families, and the said building is so arranged that each of the said families live independently of each other, and the building is constructed and arranged so that a separate section is, or may be, kept as a home or residence of a separate family, and each such section has an entirely independent and separate entrance, and if a stairway is required, one such stairway leading to each section from the street or from an outside vestibule on the level of the first floor of said building is a separate stairway, and with no room, hallway, bathroom, water-closet, or kitchen used in common by two or more families occupying the said building, shall be deemed not to come within the definition of a "tenement house."

"Wooden tenement house" is a building, which does not fully comply with the requirements for a "fireproof" or a "semifireproof" tenement house as defined in this act, and shall include all frame and all veneered buildings.

In every such building all ceilings and walls and partitions of public hallways, soffits of interior stairways and the outside stringers of open stairways, and stair wells shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with an approved plaster board plastered not less than three-quarters inch thick including the plaster board.

"Yard" is a portion of a lot on which is situated a tenement house and which is unoccupied by the building and extends from the ground up (except where otherwise provided by this act) open and unobstructed to the sky; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into such yards. If such yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If it is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If it extends from the rear yard to the front yard or front of the lot, it is a "side yard."

Sec. 11. No tenement house shall hereafter be erected on, or moved on to, a rear lot. No building for any purpose shall hereafter be erected in front of any tenement house unless there shall be left unoccupied a front yard extending from the front of the rear tenement house to the front line of lot bordering on the street.

Such front yard shall not be in any part less in width than fifty per cent of the actual width of the rear tenement house.

Sec. 12. No fireproof tenement house hereafter erected shall exceed one hundred fifty feet in height, nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts.

No semifireproof tenement house hereafter erected shall exceed six stories at any point, nor more than sixty-five feet in height (except as hereinafter provided), nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts.

No wooden tenement house hereafter erected shall exceed three stories at any point nor more than thirty-six feet in height (except as hereinafter provided); nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts.

after provided); nor more than one and one-half times the width of the widest street to which the lot on which it is situated abuts.

The width of the street, for this purpose, shall be measured from the extreme front of the building to the front of lot opposite, across the street.

For the purposes of this section a basement is a story.

The height of a fireproof tenement house is the perpendicular distance from the curb level or adjoining ground levels to the highest point of the roof. The height of a semifireproof or of a wooden tenement house is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in the case of a semifireproof tenement house situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed sixty-five feet above the curb level measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed seventy-five feet above the adjoining curb in case of a corner lot, or above the level of the ground in the case of an interior lot, and in the case of a wooden tenement house situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed thirty-six feet above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed forty-six feet above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot.

Sec. 13. On every corner lot on which a tenement house is hereafter erected, at least ten per cent of such lot shall be left unoccupied; provided, however, that if such corner lot extends through from one street to another street one-half of the narrowest street to which said lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street is greater than the rear yard required for such tenement house, then only as much of the said street as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

On every interior lot on which a tenement house is hereafter erected, at least twenty-five per cent of such lot shall be left unoccupied; provided, however, that if such interior lot extends through from one street to another street one-half of the narrowest street to which such lot abuts may be considered as a part of the lot in computing the percentage of lot to be left unoccupied; except that if such one-half of the narrowest street is greater than the rear yard required for such tenement house, then only as much of the said street as is required for the rear yard shall be considered as part of the lot for the purpose of computing the percentage of lot to be left unoccupied.

Sec. 14. Immediately behind every tenement house hereafter erected there shall be a rear yard extending across the entire width of the lot.

Sec. 15. In no event shall any yard or court be made to serve the purpose of two tenement houses hereafter erected, or of an existing tenement house and a tenement house hereafter erected, unless such yard or court, as the case may be, is of the full size required for two tenement houses, and then only in the event that such yard or court, as the case may be, is located on the same lot and owned by or in the absolute lawful control and in the lawful possession of the tenement house it proposes to serve.

Where a tenement house, now or hereafter erected, stands upon a lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings shall be at least ten feet, and two additional feet shall be added to such minimum distance of ten feet for every story more than one in height of the highest building on such lot.

Sec. 16. The depth of a rear yard shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 17. On every interior lot on which a tenement house is hereafter erected there shall be provided a rear yard. Such yard shall extend from the ground clear and unobstructed to the sky, and shall extend across the entire width of the lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into such yard. The minimum depth of such rear yard shall be as follows:

Height of building measured from top of wall to floor of yard at point abutting the rear yard	Depth of rear yard
Not exceeding 36 feet.....	10 feet
Not exceeding 48 feet.....	11 feet
Not exceeding 60 feet.....	12 feet
Not exceeding 72 feet.....	14 feet
Not exceeding 84 feet.....	16 feet
Not exceeding 96 feet.....	18 feet
Not exceeding 108 feet.....	20 feet
Not exceeding 120 feet.....	22 feet
Not exceeding 132 feet.....	24 feet
Not exceeding 150 feet.....	26 feet

Provided, however, that if such interior lot extends through from one street to another street or public alley, one-half of the narrowest street or public alley to which said lot abuts may be considered as a part of the lot in computing the rear yard required by this section.

Sec. 18. On every corner lot on which a tenement house is hereafter erected there shall be provided a rear yard. Such yard shall extend from the lowest floor which is used for living or sleeping apartments, clear and unobstructed to the sky, and shall extend across the entire width of such lot; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may be extended not more than four feet into such yard. The minimum depth of such rear yard shall be as follows:

Depth of corner lot	Depth of rear yard
Not exceeding 100 feet.....	Not less than 10 per cent of the depth of the lot nor less than 5 feet, nor less than the minimum width required for an outer court, based on the number of stories in such building.
Exceeding 100 feet.....	Not less than 10 feet nor less than the minimum width required for an outer court, based on the number of stories in such building.

Provided, however, if such corner lot extends through from one street to another street, or to a public alley, one-half of the narrowest street or public alley to which such lot abuts may be considered as a part of the lot in computing the rear yard required by this section.

Sec. 19. Every rear yard required by this act and not bordering on a street or public alley and without direct access thereto shall have access to a street or public alley by means of an unobstructed passageway not less than three feet six inches in clear width, nor less than seven feet in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath or approved plaster board and be plastered not less than three-quarters inch thick including the lath or plaster board, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained and lighted.

Sec. 20A. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no

part be less in width and length than required for outer courts.

Sec. 21. The width of every side yard shall be not less than the width required for an outer court except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building, connected one with the other across the rear of the building by the rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 22. The minimum size of every outer court for a tenement house hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Maximum length of court
1 or 2 stories.....	4 ft. 0 in.	16 ft. 0 in.
3 stories.....	4 ft. 6 in.	25 ft. 0 in.
4 stories.....	5 ft. 6 in.	30 ft. 0 in.
5 stories.....	6 ft. 0 in.	35 ft. 0 in.
6 stories.....	8 ft. 0 in.	35 ft. 0 in.
7 stories.....	10 ft. 0 in.	40 ft. 0 in.
8 stories.....	12 ft. 0 in.	40 ft. 0 in.
9 stories.....	13 ft. 0 in.	40 ft. 0 in.
10 or more stories.....	14 ft. 0 in.	40 ft. 0 in.

There shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length; provided, however, that the maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, further, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

Sec. 23. The minimum size of every inner court for tenement houses hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Minimum area of court in square feet
1 or 2 stories.....	6 ft. 0 in.	75 square feet
3 stories.....	7 ft. 0 in.	120 square feet
4 stories.....	8 ft. 0 in.	160 square feet
5 stories.....	12 ft. 0 in.	250 square feet
6 stories.....	16 ft. 0 in.	400 square feet
7 stories.....	20 ft. 0 in.	625 square feet
8 stories and more.....	24 ft. 0 in.	840 square feet

Provided, however, that the minimum size of every inner court which is bounded on one side for its entire length by a lot line may be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is an apartment or apartments	Minimum width of court	Minimum area of court
1 or 2 stories.....	5 ft. 0 in.	75 square feet
3 stories.....	6 ft. 0 in.	120 square feet
4 stories.....	7 ft. 0 in.	160 square feet
5 stories.....	9 ft. 0 in.	250 square feet
6 stories.....	16 ft. 0 in.	400 square feet
7 stories.....	20 ft. 0 in.	625 square feet
8 stories and more.....	24 ft. 0 in.	840 square feet

Every inner court hereafter constructed and every inner court or vent shaft now in any tenement house shall be provided with a door or window at or near the bottom thereof, giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out.

Sec. 24. Every recess from a court, yard or street in a tenement house hereafter erected shall, unless it conforms to the requirements of this act for an inner court, or an outer court, be not less in width than its depth. Every such recess shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess proposes to serve.

Sec. 25. Every inner court in a tenement house hereafter erected shall be provided with one or more horizontal intakes at the bottom of the court, as follows:

Inner court areas	Minimum number of intakes	Net aggregate area of intakes
Each not exceeding 300 square feet	One	19½ square feet
Each not exceeding 800 square feet	Two	40 square feet
Each exceeding 800 square feet	Two	60 square feet

Every such intake shall always extend directly to the front of lot or front yard, or rear yard, or to a side yard, or to a street, or to a public alley or public park. Whenever more than one intake is required, one such intake shall extend to the front of lot or front yard, and one to the rear yard, public alley, public park, or to the other street, and the court ends of the air intakes shall be as far apart as possible.

Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intakes may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct, constructed of approved incombustible materials or lined with at least number twenty-six (gauge) galvanized iron on the inside thereof, having an interior area of not less than nineteen and one-half square feet, and in no dimension less than twelve inches, and covered at each end with a wire screen of not less than one inch mesh.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 26. In no tenement house shall any room in the cellar be constructed, altered, converted or occupied for living or sleeping purposes.

Every cellar shall be illuminated and ventilated. The walls and floor of every cellar hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 27. In no tenement house shall any room in the basement be constructed, altered, converted or occupied for living or sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building and that the ceiling of each such room be in all parts not less than seven feet above the adjoining ground level.

Every basement shall be illuminated and ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary, and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 28. In every tenement house hereafter erected, the lowest floor thereof shall be at least eighteen inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with removable screens or similar provisions of a size to insure ample ventilation; provided, however, that in any such building the lowest floor thereof may be less than eighteen inches above the surface soil, but in no case less than six inches, except where masonry floors are laid directly on the soil, if the said floor is made impervious to the ingress of rats or other vermin as follows:

(a) Foundation walls shall be constructed of concrete or of brick or stone or other masonry laid in a good mortar or constructed of some other equally as rat proof material.

(b) The said foundation walls shall be not less than six inches in thickness at the top nor less than twelve inches in thickness at the bottom, nor extend less than twelve inches below the surface soil, and, except where masonry floors are laid directly on the soil, shall extend not less than six inches above the surface soil.

(c) Every opening in the foundation walls, for ventilation or for other purposes, shall be made rat proof with suitable metal screens or with some other similar rat proof material. Door or window openings in such walls shall have tight fitting doors or windows.

(d) The said lowest floor or differing levels thereof, forming a complete floor between the outside walls of the building, shall be constructed either of masonry, or covered with concrete not less than one and one-half inches thick, or constructed of two layers of flooring with a layer of galvanized iron or galvanized iron wire cloth or other approved equally as rat proof material placed between the two layers of flooring. Or, in lieu of the floor being constructed as herein prescribed, the entire ground area under the floor shall be covered with concrete not less than two inches thick, except where the surface of the soil is composed of rock. The rat-proofing material shall always extend under the plates of the exterior walls and supporting partitions.

(e) All openings throughout the said floor for chimneys, plumbing, water pipes, or for any other purpose, shall be closed up tight in the same manner and with the same kind of materials as required under the plates of the exterior walls and supporting partitions, and if the rat-proofing material used for closing of openings is other than masonry, it shall extend beyond and underlap the flooring all around the opening, not less than two inches.

Sec. 29. In every apartment in every tenement house hereafter erected there shall be at least one room containing not less than one hundred twenty square feet of superficial floor area, and every other room shall contain at least ninety square feet of superficial floor area, except water-closet, bath or slop-sink compartments, and except kitchens, closets, recesses from rooms, or dressing rooms.

Every kitchen shall contain not less than fifty square feet of superficial floor area.

Every room shall at every point be not less than seven feet in width, nor less than nine feet in height, measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be nine feet in height in but one-half the area of the room; provided, however, that the provisions of this paragraph shall not apply to water-closet, bath or slop-sink compartments, nor to closets, nor to recesses from rooms, nor to dressing rooms, nor shall the provisions of this paragraph as to minimum width apply to kitchens.

Every water-closet compartment shall be not less than thirty-six inches in clear width, and every such water-closet compartment, bath or slop-sink compartment, or closet, or recess from a room, or dressing room, shall have a height of not less than seven feet six inches, measured from the finished floor to the finished ceiling.

Every closet, recess from a room, or dressing room, which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be a part of the floor area of a closet, recess from a room) or dressing room shall conform to all of the provisions of this act as to rooms, and shall contain not less than ninety square feet of superficial floor area.

No part of any room in any tenement house shall hereafter be enclosed or subdivided wholly, or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose contrary to any of the provisions of this act.

Entertainment, amusement or reception rooms hereafter constructed, altered or converted in any tenement house shall conform to the provisions of section thirty-three of this act.

Sec. 30. In every tenement house hereafter erected every room, kitchen, and every water-closet compartment, toilet or shower room, and bath or slop-sink room, (except in the cellar) shall have at least one window of the area hereinafter required opening directly upon a street, or upon a yard or court, of the dimensions specified in this act and located on the same lot.

All windows required by this act shall be located so as to properly light all portions of the rooms, and shall be made so as to open in all parts and so arranged that at least one-half of each such window may be opened unobstructed; provided, however, that the windows required by this section in a water-closet compartment, toilet or shower room, and bath or slop-sink room, may open directly into a vent shaft, such vent shaft to be of the minimum size and constructed of the materials and in the manner prescribed by section sixty-one of this act; provided, further, that windows required to open onto a street, yard, or an outer court, except windows from kitchens, may open through porches, provided that said porches do not exceed seven feet in depth measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street, yard, or outer court, is left open except that the open space may be enclosed with mosquito screens.

Sec. 31. In every tenement house hereafter erected the total window area in each room except in a water-closet compartment, bath, toilet, slop-sink room or shower room shall be at least one-eighth of the superficial floor area of the room.

The aggregate window area in each room shall be not less than twelve square feet, and no single window shall be less than six square feet in area.

All measurements for window area shall be taken to outside of sash.

Sec. 32. In every tenement house hereafter erected each window in a water-closet compartment or bath, toilet or slop-sink room, or shower room, shall be not less than three square feet in area. The aggregate area of windows for each such compartment or room shall be not less than six square feet. In each such compartment or room containing more than one water-closet, bath, urinal or slop-sink, the aggregate window area shall be equivalent to three square feet for each water-closet, bath, urinal or slop-sink therein, except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

Sec. 33. In every tenement house hereafter erected, the total window area in each room used for the purpose of amusement, entertainment or as a reception room, or any room used for similar purposes, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room.

Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Amusement, entertainment or reception rooms and rooms used for similar purposes, in lieu of

being provided with windows, as in this section prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent inlet ducts, extending from the outer air to each such room and exhaust ducts extending from each such room to the outer air above the highest roof of the building.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth-surfaced, nonabsorbent material and so arranged that they may be readily cleaned out.

The exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete change of air in not to exceed fifteen minutes for each such room.

Any person in charge of a building in which a system of fan exhaust ventilation, as in this section is required, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each such room at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Every amusement, entertainment or reception room, or any room used for similar purposes, shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for living or sleeping apartments, except that said room or part thereof complies with all of the other provisions of this act, for living and sleeping apartments.

Sec. 34. In every tenement house hereafter erected, every public hallway on any floor where there are more than three apartments shall have at least one window opening directly upon a street, or upon a yard or a court of the dimensions specified in this act and located on the same lot; such windows shall be at the end of the public hallway and placed so as to secure the maximum light into the hallway; provided, however, that in tenement houses not exceeding two stories in height, the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall not be more than thirty inches above the adjoining finished floor. Every such window shall be made so as to open and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet (measured from a vertical line) from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in length than one and one-half times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, may be used in lieu of windows therein.

Sec. 35. In every tenement house two or more stories in height hereafter erected, where there are more than three apartments on any one floor, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at a ratio of six square feet for each additional story in height. In every such skylight the ventilating

area shall be not less than five hundred square inches.

Every such skylight and the ventilating openings and the shutters and the closing and opening devices for the ventilating openings shall be made of approved incombustible materials, and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels, except that in tenement houses not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or the ventilators may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-four hereof and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway, in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required as in this section provided there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of glass in the skylight.

Sec. 36. In every tenement house hereafter erected, every apartment shall be so arranged that access may be had to every living room, and to at least one water-closet compartment, without passing through a bedroom; *provided, however, that nothing in this section shall be so construed as to prohibit passing through a bedroom in going from a kitchen to a bathroom or water-closet compartment.*

Sec. 37. In every tenement house hereafter erected there shall be installed one water-closet within each apartment located in a separate compartment or located in a compartment with a bathtub, shower or lavatory, used exclusively by the occupants of the apartment.

No door or other opening to a water-closet compartment shall open from or into any room in which food is prepared or stored. The walls enclosing a water-closet compartment shall be well plastered or constructed of some nonabsorbent material, except that the ordinary wood trim of openings may be used in such compartment. Every such compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every such water-closet compartment shall be made waterproof with asphalt, tile, marble, terrazzo, cement, or some other similar nonabsorbent material, and such waterproofing shall extend not less than six inches on the vertical walls of the room. *No water-closet fixture shall be enclosed with woodwork.*

Sec. 38. In every tenement house erected prior to the passage of this act there shall be provided at least one water-closet in a separate compartment, located on the public hallway of the same floor, for every three apartments or fractional part thereof on such floor which are not provided with private water-closets. Where two or more water-closets are required by the provisions of this section to be located on a public hallway, one of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women"; *provided, however, that the housing department charged with the enforcement of this act may exempt any tenement house existing at the time of the passage of this act from fully complying with the provisions of this paragraph when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or premises.*

Nothing in this section shall be construed as permitting such exemptions to apply to any addition or extension to any tenement house.

Every water-closet hereafter placed in a tenement house erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in tenement houses hereafter erected, except that if

a water-closet is installed in the top story of any such building, the compartment in which it is installed may be ventilated by a skylight with fixed louvers in lieu of a window; *provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location.*

Every tenement house erected prior to the passage of this act, or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, capped, vented and provided with flush tanks, the same as is required, by the provisions of this act, in tenement houses hereafter erected.

Sec. 39. In every tenement house hereafter erected there shall be a bathtub or shower within each apartment, and such bathtub or shower shall be located in a separate compartment, or there may be provided one such bathtub or shower in a separate compartment for every three such apartments which are not provided with private baths or showers; *provided, that said bathtub or shower is on the same floor and is accessible from each apartment through the public hallway.*

In every tenement house hereafter erected there shall be at least one kitchen sink within each apartment.

The walls, floors and openings to every bath, shower or slop-sink room hereafter constructed shall conform to all of the provisions of this act relative to the waterproofing of the walls and floors, and of the construction of the doors of water-closet compartments in tenement houses hereafter erected.

Sec. 40. In every tenement house erected prior to the passage of this act there shall be provided at least one bathtub or shower in a separate compartment, located on the same floor, for every five apartments, or fractional part thereof, which are not provided with private baths or showers, on each such floor, and there shall be provided at least one kitchen sink in each apartment; *provided, however, that the department charged with the enforcement of this act may exempt any tenement house existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof or to the sanitation of the said tenement house or premises; provided, further, that no such exemption shall apply to any addition or extension to a tenement house.*

Sec. 41. In every tenement house hereafter erected every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Every plumbing fixture affecting the sanitary drainage system in tenement houses hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 42. In every tenement house erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all the yards, courts and passageways may be washed.

Faucets shall be of the hose bibb type, not less than three-quarter inch size.

Sec. 43. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the tenement house hereafter erected or an existing tenement house, as the case may be, is situated where there is no running water and where there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper, separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter and pit shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals. All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sec. 44. In every tenement house hereafter erected all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In any tenement house hereafter erected, and in any tenement house erected prior to the passage of this act no plumbing fixtures shall be enclosed with woodwork, but the space under and around same must be left entirely open. All woodwork enclosing a water-closet, sink, slop-sink, wash tray or lavatory shall be removed and the floor and wall surface beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method be made nonabsorbent.

In every tenement house hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats varnished or enameled so as to be nonabsorbent, or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass; and every gas and water service connection hereafter made shall be of steel or iron, and shall be equipped with cut-off valves placed outside of the building and such cut-off valves shall be readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act is hereby empowered to order the same removed and to order that it be replaced by a fixture conforming to the provisions of this act.

Sec. 45. Every tenement house hereafter erected, three or more stories in height and in which there are three or more apartments on any one floor, shall be so designed and constructed that every apartment in such building shall have not less than two means of egress, either by stairways or fire escapes, constructed in accordance with the provisions of this act. Such means of egress shall be accessible from every apartment, either directly or through a

public hallway, and so located that should egress be or become blocked, the other means shall be available.

Sec. 46. Every tenement house hereafter erected shall have not less than two stairways. Every fireproof tenement house hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each six thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every semifireproof tenement house hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each four thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden tenement house hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each three thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every tenement house hereafter erected shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 47. The largest floor area above the ground floor shall be used as the basis for computing the number of stairways required in every tenement house hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 48. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, and shall be as far removed from each other as practicable, and shall be as follows:

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the lowest and topmost stories, provided that the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter or gas heater or furnace, unless such boiler, gas meter, gas heater, or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section sixty-three of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 49. Every stairway hereafter constructed shall be as follows: have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches measured from the nearest nosing of the stairway to the nearest soffit.

The depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Stairways required by this act shall be continuous from the ground floor level to the top story, i. e., the flights of such stairways shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the stairways from the first to the second floor be increased in width not less than fifty per cent.

Every stairway shall have at least one handrail, and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The underside of soffits of wooden stairways and the outside stringers of open stairways

except outside stairway, in semifireproof and wooden tenement houses shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with an approved plaster board and plastered not less than three-quarters inch thick including the plaster board.

The width of stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 50. No closet of any kind shall be constructed in any tenement house under any wooden stairway, but such space shall be kept entirely open, and be kept clean and free from all encumbrances; or such space shall be effectually closed with walls of studs, lathed and plastered, with no door or opening of any kind therein; provided, however, that the provisions of this section as to a closet under a stairway shall not apply to any tenement house not more than two stories in height, in which not more than two families live above the first floor thereof.

Sec. 51. In every tenement house hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure.

In every such building not exceeding two stories in height there shall be constructed a scuttle in the public hallway near the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath or approved plaster board and plastered not less than three-quarters inch thick including the lath or plaster board on the inside and outside thereof; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof, and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every tenement house of more than two stories in height, erected prior to the passage of this act, shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway. There shall be provided a stairway or a stationary ladder, leading from the top floor of such tenement house to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 52. Public hallways, landings and corridors from stairways shall be of the same width and measured in the same manner as the stairways, as provided in section fifty hereof.

Sec. 53. On every tenement house hereafter erected more than two stories in height, which contains more than three apartments, there shall be provided at least one fire escape. If such tenement house exceeds three thousand square feet of floor area on any one floor above the second floor thereof, such building shall be provided with one additional fire escape for each four thousand square feet of floor area or fractional part thereof.

Fire escapes required by this act shall be of one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six inches horizontally to each twelve inches of vertical height. The treads shall be not less than four inches wide, placed not more than twelve inches apart. Each side of such stairways shall be provided with a handrail not less than one inch in diameter fastened to the stair stringers and continued around the well hole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for type one and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with standpipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being as solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escapes described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in

this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such stairways to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, concrete or reinforced concrete not less than twelve inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over same, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal-lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 54. In any tenement house hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and constructed as a stairway and a fire escape combined; provided, that there is at least one other stairway or one other fire escape constructed in accordance with the provisions of this act, in the said building.

Sec. 55. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front. Every fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes in lieu of being located on a public hallway, shall be so located that each apartment has direct egress thereto without passing through another apartment, or if a public parlor, public lobby or similar room is connected directly with the public hall, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing towards and marking the locations of fire escapes shall be placed on each floor.

Sec. 56. The largest floor area above the second floor shall be used as a basis for computing the number of fire escapes required by this act; provided, that if all floors above the largest floor area are diminished in size, the number of fire escapes from that portion of the building containing the smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 57. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof (using outside dimen-

sions) and the live or dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal projection.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

Sec. 58. Every fire escape in or on tenement houses hereafter erected, or in or on tenement houses erected prior to the passage of this act, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 59. On every tenement house hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or the ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape on each street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escape.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such tenement house is being erected.

The standpipes required by this section need not be installed in any tenement house which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes in case of fire, until such time as it is practicable and possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 60. In every fireproof tenement house hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be enclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible materials, or shall be constructed of metal studs lathed either with metal lath or an approved plaster board and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semifireproof or wooden tenement house hereafter erected, every such shaft shall be enclosed by walls constructed as provided by this act for fireproof tenement houses, or such walls may be constructed with wood studs, with wood firestops the same size as the studs, cut in between the studs of each floor and half way between each floor, lathed on both sides with metal lath or an approved plaster board and be plastered not less than three-quarters inch thick including the lath or the plaster board.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or such door and door frame shall be constructed of wood covered with metal on the shaft side thereof and if there is any glass therein, such glass shall be wired glass not less than one-fourth (¼) inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth (¼) inch thick, set in a metal sash or a sash metal covered on the shaft side thereof. At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvers.

Sec. 61. In every tenement house hereafter erected every vent shaft shall be enclosed with walls constructed the same as required by this act for elevator shafts in the same class of building. Such vent shafts may, in a semireproof or wooden tenement house, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein, shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be cement plaster.

Every vent shaft required by this act shall be not less than four feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area three square feet for each additional ten feet or fractional part thereof above fifty feet.

Every such vent shaft shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fireproof material or shall be of metal or metal lined, and be provided with a wire screen of not less than one inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in such vent shaft.

Every such vent shaft shall have a door or a window at or near the bottom of the shaft, so arranged as to permit of its being readily cleaned out.

Sec. 62. The walls of every inner court in a fireproof tenement house hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard incombustible material. In a semireproof or in a wooden tenement house such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof tenement houses, or may be of wood studs, with wood firestops the same sizes as the studs, cut in between the studs at each floor and half way between each floor, lathed on both sides with metal lath, or an approved plaster board, and be plastered not less than three-quarters inch thick including the lath or the plaster board. Plaster on the weather side of such inner court walls shall be cement plaster, or such inner court walls may be lined on the weather side with not less than the number twenty-six (gauge) metal, in lieu of metal lath and plaster.

Sec. 63. In every tenement house hereafter erected, every boiler used for purposes of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil for fuel, shall be installed in a room, the walls of which room shall be built of

concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six (6) inches thick, and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a double ceiling, with a space of not less than seven-eighths inch between the two ceilings; each ceiling shall be metal lathed or lathed with an approved plaster board and be plastered not less than three-quarters inch thick, including the lath or plaster board. The floor of a boiler room shall be of concrete not less than two (2) inches thick.

Any door in the wall of such room shall be a fire-resisting door, constructed of three (3) thicknesses of seven-eighths (⅞) inch by not more than six (6) inches, tongued and grooved, matched redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three (3) inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth (¼) inch thick, set in a metal or metal covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the wall. Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four (4) inches high. Such sill shall be of masonry, and the doors shall overlap same at least three (3) inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the bottom of the door shall close tight on top of same. Every swinging door in a boiler room shall open outward from the boiler room.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 64. In every tenement house hereafter erected any portion of such building, in which there is kept or stored any automobile or automobiles, shall be a room, the enclosing partitions of which shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six (6) inches thick, or may be of wood studs lined on the automobile storage room side with redwood boards not less than seven-eighths (⅞) of an inch thick covered with asbestos paper one-eighth (⅛) of an inch thick, and then covered with No. 26 (gauge) galvanized iron, and such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material similar to that used in the construction of its walls, or shall be either metal lathed and be well plastered or be lathed with an approved plaster board and be well plastered. The floor of every such room shall be of concrete not less than two (2) inches thick.

Every door, window or other opening in the walls of such room, opening to the interior of the building, shall be protected in the same manner as required by section sixty-three hereof for doors, windows and other openings in a boiler room.

Sec. 65. In any tenement house erected prior to the passage of this act, every additional room or hallway that is hereafter constructed or created, may be of the same height as the other rooms or hallways on the same story of such tenement house.

Sec. 66. Every room in a tenement house erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a vent shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvers directly to the outer air,

or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every tenement house erected prior to the passage of this act, which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 67. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or to prepare food in any bath, shower, slop-sink or toilet room, water-closet compartment; or in any closet, or recess from a room, or dressing room, which does not conform to all the provisions of this act as to size of kitchens and windows opening to a street, yard or court, or in any other place in such building which, in the judgment of the department charged with the enforcement of this act, is detrimental to the proper sanitation of such building.

It shall be unlawful for any person to live or sleep, or permit or suffer any person to live or sleep in any cellar, bath or shower compartment or slop-sink room, water-closet compartment, hallway, closet, kitchen, recess from a room or dressing room, except when such recess from a room or dressing room has not less than ninety square feet of superficial floor area and complies with every other requirement of this act for rooms, or in any other place which, in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage, or on account of dampness or offensive, obnoxious or poisonous odors, or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant, in accordance with the age of the said occupant:

Number of persons over 12 years of age	Number of persons under 12 years of age	Superficial floor area required
1 or -----	2 -----	60 square feet
2 or -----	4 -----	120 square feet
3 or -----	6 -----	180 square feet
4 or -----	8 -----	240 square feet
5 or -----	10 -----	300 square feet
6 or -----	12 -----	360 square feet

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 68. In every tenement house there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, passageway, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every tenement house there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, public water-closet compartment, or toilet room and exterior passageway on the lot.

Sec. 69. The walls and ceilings of every sleeping room in every tenement house shall (except when there is sufficient natural light to permit a person to read in any part thereof during daytime) be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color.

Sec. 70. No wall, partition or ceiling of any room in any tenement house shall be repapered, calcimined, or have any other covering placed thereupon, unless the old wall paper or other covering shall have first been removed therefrom, and the said wall, partition or ceiling cleaned, disinfected and freed from bugs, insects or vermin.

Sec. 71. Every tenement house shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter.

All portions of the lot about a tenement house, including the yards, areaways, vent shafts, courts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary for the protection of the health of the occupants of such building, or for the proper sanitation of the premises, it may require that the said lot, yards, areaways, vent shafts, courts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 72. There shall be provided, whenever it is deemed necessary for the health of the occupants of any tenement house or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 73. In every tenement house there shall be provided by the occupants, or tenants, such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Each of said receptacles shall be kept in a clean condition by the occupants, or tenants and in the case of a chute or shaft by the person in charge or in control of the building.

Sec. 74. Every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink, or washroom, plumbing fixture, drain, roof, closet, cellar, or basement in any tenement house or on the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or cause or permit any person to, deposit any swill, garbage, bottles, ashes, cans or other improper substances in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom; or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment in any tenement house, or in or about the said building or premises thereof, for such length of time as to create a nuisance.

Sec. 75. In every tenement house, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same; and free from the infection of lice, bedbugs or other insects.

Sec. 76. In no tenement house or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate, and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 77. No horse, cow, calf, swine, sheep, goat, rabbit, mule or other animal, chicken, pigeon, goose, duck or other poultry shall be kept in any tenement house or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained on the same lot, yard, court or premises of a tenement house or within twenty feet of any window or door of such building, nor shall there be hereafter constructed, altered, converted or maintained in any tenement house any public automobile garage or machine shop, or automobile repair shop.

No bakery or place of business in which fat is boiled shall be constructed or maintained in any tenement house, unless such bakery or place of business in which fat is boiled is constructed of approved fireproof materials, with no openings connecting into the tenement house, and so separated and arranged as to prevent odors from entering such building.

No tenement house shall be connected with or have any door, window or transom opening to any part of a building wherein spirituous liquors, drugs, paint or oil are stored or kept for the purpose of sale or otherwise.

Sec. 78. In every tenement house in which eight (8) or more families reside, and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such tenement house or on the same lot or premises thereof and have charge of same.

Sec. 79. In case any tenement house, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such tenement house or building or structure, or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said tenement house, building or structure, to prevent any illegal act, conduct or business in or about such tenement house or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such tenement house, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such tenement house, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Sec. 80. Every fine imposed by judgment under section six of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said tenement house is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 81. In any action or proceeding instituted by the department charged with the

enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice, and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

Sec. 82. Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and number and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of apartments in each house, the number of rooms in each apartment, and the number of families occupying the apartments. In case of a transfer of any tenement house, it shall be the duty of the grantor of said tenement house to file in the housing department a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in the case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property, to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty (30) days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Sec. 83. Every owner, agent or lessee of a tenement house shall file in the housing department a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 84. The names and addresses filed in accordance with sections eighty-two and eighty-three hereof shall be indexed by the housing department in such a manner that all of those filed in relation to each tenement house shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 85. Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 86. In any action brought by any department charged with the enforcement of this act in relation to a tenement house, for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Sec. 87. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of

the community, and for the protection, the health and the safety of the occupants of tenement houses. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act, are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts the percentage of the lot to be covered by a tenement house, the number of stories or height of such tenement house or number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, the floor space to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing, or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or height of such tenement house or number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, the floor space to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 88. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 89. This act shall take effect and be in force from and after September 1, 1917.

Sec. 90. The act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof' approved April 16, 1909, statutes of California of 1909, page 948," approved April 10, 1911, statutes of California, 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof are hereby repealed.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties; and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated

cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429.

The people of the State of California do enact as follows:

Section 1. This act shall be known as the "state hotel and lodging house act," and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the "housing department" and if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of hotels after said hotels have been erected, constructed or altered, as the case may be, and the certificate of "final completion" has been issued by the building department and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no housing department or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have authority, and it is hereby empowered and given authority, to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels in all parts of the State of California, including all incorporated towns, incorporated cities, incorporated cities and counties. In the State of California, whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor,

occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any hotel or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any hotel or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any hotel or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes or reconstruction work of any kind whatsoever, to any hotel erected prior to the passage of this act, or to any hotel hereafter erected, or to increase the height, in any manner which would be inconsistent with any of the provisions of this act, or in violation of said provisions of this act; or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway, or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a hotel at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting hotels hereafter erected.

A building used as a hotel at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting hotels hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any hotel which is hereafter damaged by fire or the elements to an extent in excess of fifty-one per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting hotels hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of hotels or premises unlawfully occupied, or for the abatement of a nuisance in connection with a hotel, or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion or alteration of a hotel, or to move or to build upon a hotel, or to convert a building or any portion thereof into use as a hotel without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in

writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion, or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the hotel, or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there is such an architect or contractor; also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed hotel, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statement to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion of any such hotel, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed, and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the hotel or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the hotel, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to

the community, and for the protection, the health and the safety of the occupants of tenement houses. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting, from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates, or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act, are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance of any incorporated town, incorporated city, incorporated city and county, or county in the state which further restricts the percentage of the lot to be covered by a tenement house, the number of stories or height of such tenement house or number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, *the floor space to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing, or denying the power of any incorporated town, incorporated city, incorporated city and county, or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a tenement house within said municipality, the number of stories or height of such tenement house or number of apartments therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, *the floor space to each person occupying a room*, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 38. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 39. *This act shall take effect and be in force from and after September 1, 1917.*

Sec. 90. The act entitled "An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an act entitled 'An act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof' approved April 16, 1909, statutes of California of 1909, page 948," approved April 10, 1911, statutes of California, 1911, page 860, and approved June 13, 1913, statutes of California, 1913, page 737, and approved May 29, 1915, statutes of California, page 952, and all acts amendatory thereof are hereby repealed.

An act to regulate the erection, construction, reconstruction, moving, alteration, maintenance, use and occupancy of hotels, and the maintenance, use and occupancy of the premises and land on which hotels are erected or located, in all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties; and to provide penalties for the violation thereof; and repealing an act entitled "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated

cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429.

The people of the State of California do enact as follows:

Section 1. This act shall be known as the "state hotel and lodging house act," and its provisions shall apply to all parts of the State of California, including incorporated towns, incorporated cities, and incorporated cities and counties.

Sec. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels and to issue the certificate of "final completion" hereinafter provided.

It shall be the duty of the "housing department" and if there is no housing department the health department of every incorporated town, incorporated city, and incorporated city and county to enforce all of the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of hotels after said hotels have been erected, constructed or altered, as the case may be, and the certificate of "final completion" has been issued by the building department and to issue the "permit of occupancy" as hereinafter provided.

In the event that there is no building department or no housing department or health department in an incorporated town, incorporated city or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city or incorporated city and county to enforce all of the provisions of this act.

In every county it shall be the duty of the officer or officers who are charged with the enforcement of ordinances or laws regulating the erection, construction or alteration of buildings, or of the maintenance, sanitation, occupancy and ventilation of buildings, or of the police, fire or health regulations in said county, to enforce all of the provisions of this act outside of the limits of any incorporated town or incorporated city.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have authority, and it is hereby empowered and given authority, to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, conversion, alteration and arrangement of hotels in all parts of the State of California, including all incorporated towns, incorporated cities, incorporated cities and counties, in the State of California, whenever said commission finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act. In writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor,

occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any hotel or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any hotel or any portion thereof, or any of the premises, yards or courts which are a part thereof, or which are required by the provisions of this act; or to do or cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any hotel or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes or reconstruction work of any kind whatsoever, to any hotel erected prior to the passage of this act, or to any hotel hereafter erected, or to increase the height, in any manner which would be inconsistent with any of the provisions of this act, or in violation of said provisions of this act; or in any manner to diminish the size of the yards, courts or shafts or the size of windows or skylights, or to remove any stairway or fire escape, or to obstruct the egress from such building or from the hallways or stairways, or to do anything that would affect the ventilation and sanitation of the building, contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a hotel at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all of the provisions of this act affecting hotels hereafter erected.

A building used as a hotel at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting hotels hereafter erected, in so far as they pertain to the percentage of lot occupied and the size of outer courts, inner courts bounded by a lot line, and yards.

It shall be unlawful to reconstruct any hotel which is hereafter damaged by fire or the elements to an extent in excess of *fifty-one* per cent of its physical proportions, unless the said building is made to conform to all of the provisions of this act affecting hotels hereafter erected.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment, and in addition to the penalty therefor, shall be liable for all costs, expense and disbursements paid or incurred by the department, by any of the officers thereof, or by any agent, employee or contractor of same, in the prosecution of such violation. The costs, expense and disbursements by this section provided shall be fixed by the court having jurisdiction of the matter.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of hotels or premises unlawfully occupied, or for the abatement of a nuisance in connection with a hotel, or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion or alteration of a hotel, or to move or to build upon a hotel, or to convert a building or any portion thereof into use as a hotel without first obtaining a permit in writing so to do from the department charged with the enforcement of this act. Any person, firm or corporation desiring such a permit shall file an application therefor with the department charged with the enforcement of this act. Said application shall give a detailed statement in

writing, verified under oath by the person making the same, of the erection, construction, reconstruction, moving, conversion, or alteration, as the case may be, upon blanks or forms to be furnished by the said department. The said application must be accompanied with a full, true and complete set of the plans of the hotel, or alteration, or work proposed, as the case may be, together with a set of specifications describing the materials proposed to enter into the construction of the proposed work, also a plan of the lot on which such building is proposed to be erected, constructed, reconstructed, converted, altered or moved, as the case may be. Such statement shall give in full the name and address by street and number of the owner or owners, also the name and address of the architect and of the contractor, if there be such an architect or contractor; also shall give such other data and information as in the judgment of the department charged with the enforcement of this act is deemed necessary.

The affidavit to said application shall allege that the plans and specifications are true and contain a correct description of the proposed hotel, lot and proposed work. If any person other than the owner makes such affidavit, such person shall not be recognized except that he allege in his affidavit that he is authorized and empowered by the said owner to act for him and to sign the required affidavit. Said department charged with the enforcement of this act shall cause all such plans, specifications and statements to be examined, and if it appears that they conform to the provisions of this act, shall then issue a permit to the person submitting the same. Said department may, from time to time, approve changes in any plans, specifications or statements previously approved by it; provided, that all changes when so made shall be in conformity with the provisions of this act. Said department shall have the power to revoke or cancel any permit or approval that it has previously issued in case of any refusal, failure or neglect of the person to whom such permit or approval has been issued to comply with any of the provisions of this act, or in case any false statement or misrepresentation is made in any of the said plans, specifications or statements submitted or filed for such permit or approval. The erection, construction, reconstruction, moving, alteration or conversion of any such hotel, as the case may be, shall be made in accordance with the plans, specifications and statements submitted or filed, and for which the permit is issued.

A true copy of the plans, specifications and other information submitted or filed, upon which a permit is issued, with the approval of the department with which they are filed, stamped or written thereon, shall be kept upon the premises of the hotel or work for which the said permit is issued, from the commencement of the said building or work to the final completion of same, and shall be subject to inspection at all times by proper authorities.

The department charged with the enforcement of this act may, at its discretion, issue a permit in case of nominal alterations or repairs, when application is made therefor, in writing, by the owner or his agent, when the making of said nominal alterations and repairs do not affect any structural feature or the sanitation or the ventilation of the hotel, without requiring the filing of plans or specifications.

The issuance or granting of a permit or approval by the department charged with the enforcement of this act under the authority of this section shall not be deemed or construed to be a permit or an approval of the violation of any of the provisions of this act.

Every permit or approval which is issued by the department charged with the enforcement of this act, but under which no work has been done within ninety days from the date of issuance, or where work has been suspended for a period of ninety days, shall expire by limitation and a new permit shall be obtained before the work may be done.

Sec. 8. In every incorporated town, incorporated city, and incorporated city and county, it shall be unlawful to occupy or to permit to

be occupied, any hotel hereafter erected, constructed, reconstructed, altered, converted or moved, as the case may be, or any portion thereof, for human habitation until the issuance of a "certificate of final completion" and a "permit of occupancy" by the department or departments charged with the enforcement of this act.

It shall also be unlawful to occupy any existing hotel until a permit of occupancy has been issued by the department designated to issue such permit.

Every permit of occupancy shall be renewed each calendar year by the department designated to issue the said permit; provided, that, no structural alteration, or changes have occurred since the issuance of the certificate of final completion; and provided, that all other provisions of this act have been complied with.

Any person desiring a certificate shall file a notice with the department charged with the enforcement of this act. Said department shall cause an inspection to be made of the said hotel or portion thereof, or work described in the said notice, within ten days after written application therefor, and shall issue a "certificate of final completion" if it is found that all the provisions of this act, regulating the erection, construction, alteration or moving, as the case may be, have been complied with.

The department charged with the enforcement of this act and designated to issue the permit of occupancy, shall issue the said "permit of occupancy" upon application, in writing, therefor by the owner or his agent, and upon the filing by the owner or his agent of such statements or records required by the department, after the "certificate of final completion" has been issued; *provided, that no violations have occurred since the issuance of the certificate of final completion, or, in the case of a hotel erected prior to the passage of this act, and for which no certificate of final completion has been issued, then after the said department has caused an inspection to have been made of the said hotel and has found that all of the provisions of this act applying to such hotel have been complied with.*

All permits and certificates shall be made in duplicate and a copy shall remain on file in the department issuing them.

Any hotel hereafter erected, altered, converted or moved, which is occupied, or any portion thereof which is occupied for human habitation, prior to a "certificate of final completion" or a "permit of occupancy" being issued, shall be deemed a nuisance and the department or departments charged with the enforcement of this act may cause it to be vacated, until the said certificate of completion and permit of occupancy have been obtained in accordance with the provisions of this act.

Sec. 9. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, and incorporated city and county, or county, and the authorized officers, agents or employees of such department or departments, may, whenever necessary, enter hotels or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, cities and counties, or counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter hotels or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter hotels or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act.

Sec. 10. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "health department," "housing department," "department charged with the enforcement of this act," "fire commissioner," shall be construed as if followed by the words, "of the incorporated town, incorporated city, incorporated city and county, or county," as the case may be, in which the hotel is situated.

"Approved" means whatever material, appliance, appurtenance, or other matter meets the requirements and approval of the department charged with the enforcement of this act, or which is approved by *local ordinance of the municipality in which the building is situated*, or any appliance, appurtenance, or other matter which conforms to the requirements of, and bears the approval of the "national board of fire underwriters"; provided, however, that no such material, appliance, appurtenance or other matter shall be deemed "approved" for use where, or in such a manner as would be inconsistent with the intent, or specific provisions of this act.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, or to or below the adjoining natural ground level, such excavated space shall have not less than the minimum width and length required in this act for outer courts. *Every basement is a story.*

"Building" is a hotel.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which in any part is less than seven feet above the curb level and actual adjoining ground levels.

"Court" is an open, unoccupied space other than a yard on the lot on which is situated a hotel. A court, one entire side or end of which is bounded by a front yard, a rear yard or a side yard, or by the front of lot, or by a street or a public alley, is an "outer court." Every court which is not an "outer court" is an "inner court."

Every court shall be open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms abutting the said court, except that a cornice on the building may extend into an "outer court" two inches for each one foot in width of such court, and a cornice may extend into an "inner court" one inch for each one foot in width of such court.

"Curb level" is the curb level opposite the center of the "front of lot."

Wherever the word "department" is used it means the building department, the housing department, the health department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dormitory" is a room in which more than two persons are "guests" and are not living together, and shall, for the purpose of computing the number of rooms, be deemed a separate guest room for each one hundred square feet of superficial floor area therein.

"Fireproof hotel" is a building wherein all the exterior and interior loads or strains are transmitted to the foundation by means of concrete, reinforced concrete, brick, stone or by means of a skeleton framework of steel or iron; the exterior walls, inner court walls and roof constructed of concrete, reinforced concrete, brick, stone or hollow terra cotta tile; where all the structural steel or iron is thoroughly fireproofed

by concrete, cement plaster, tile, brick or sandstone, not less than two inches thick; where all the interior partitions are constructed of either hollow terra cotta tile blocks, gypsum blocks, brick, concrete, reinforced concrete, or of metal studs lathed with metal lath and plastered not less than three-quarters inch thick including the plaster board, or constructed of wire glass not less than one-fourth inch thick, set in metal frames and sash, and all other materials used in the said building are of approved incombustible material except that the glass in windows, transoms, or doors may be of plain glass, and except that doors, frames, sash and the usual trim of rooms, hallways, corridors, and passageways may be of wood, and except that wood floors may be placed on top of the floors constructed of incombustible materials, except in the public hallways.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied for sleeping purposes by one or more guests, but shall not be deemed to include dormitories used for sleeping purposes.

"Hotel" is any house or building, or portion thereof, containing six or more guest rooms which are let or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly in money, goods, wares, merchandise, labor or otherwise, and shall include Turkish baths, bachelor hotels, studio hotels, public and private clubs and any building of any nature whatsoever so designed or occupied, except hospitals where persons temporarily reside and where each such person receives regular bona fide medical attendance on the premises, and jails, detention buildings and similar buildings where human beings are housed and detained under restraint.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of hotel, lodging house or dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances relating to the protection of the public health.

"Lot" is a parcel or area of land on which is situated a hotel, together with the land, yards, courts and unoccupied spaces for such a hotel as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the hotel.

A lot situated at the junction of two or more intersecting streets, with a boundary line thereof bordering on each of the two streets, is a "corner lot." All parts of the width of such corner lot which are distant more than seventy-five feet from the junction point of the two or more intersecting streets, shall be deemed to be an "interior lot." The owner or his authorized agent may designate either street frontage as being the front of such corner lot for the purpose of determining the width thereof.

A lot which has only one boundary line bordering on a public street is an "interior lot."

"Rear lot" is a parcel or area of land having no boundary line bordering on a street, or having less than one-half of its width as a boundary line bordering on a street.

"Front of lot" is the boundary line of lot bordering on the street. In case of a corner lot, either of the boundary lines may be the "front of lot."

"Rear of lot" is the boundary line thereof opposite the "front of lot."

"Depth of lot" is the mean distance from the "front of lot" to the "rear of lot."

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health; and shall also embrace the overcrowding with occupants of any room,

insufficient ventilation, or illumination, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Person" is a natural person, his heirs, executors, administrators or assigns; also includes a firm, partnership, or corporation, its or their successors or assigns.

"Public hallway" is a hallway, corridor, passageway or vestibule not within a suite, and includes stairways, landings and platforms.

"Rear hotel" is a hotel on a "rear lot."

"Semifireproof hotel" is a building with all exterior walls and walls of inner and outer courts constructed of brick, stone, concrete, reinforced concrete or hollow terra cotta tile, except that the walls of an inner court, which court is surrounded on four sides by the same building, may be constructed as provided in this act for such inner courts; interior partitions and floors constructed of approved incombustible materials or of wood, with all ceilings, partitions, soffits of stairways, and outside stringers of open stairways and stair wells metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with approved plaster board, plastered not less than three-quarters inch thick including the plaster board; in which all finished floors, frames, doors and the usual trim of rooms and hallways may be built of wood, and the roof of which shall be covered with at least a composition fire-retardant material.

"Shall." Whenever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the "front of lot" to the opposite "front of lot" and which shall have been dedicated or deeded to the public for public use.

"Turkish bath" is a dormitory or a combination of guest rooms, accommodating six (6) or more guests, in connection with which any form of bath or massage is given by the attendants to the guests.

"Wooden hotel" is a building which does not fully comply with the requirements for a fireproof or a semifireproof hotel as defined in this act, and shall include all frame and all veneered buildings. In every such building all ceilings and walls and partitions of public hallways, soffits of interior stairways and the outside stringers of open stairways and stair wells shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with an approved plaster board and be plastered not less than three-quarters inch thick including the plaster board.

"Yard" is an open unoccupied space other than a court on the lot on which is situated a hotel, open and unobstructed to the sky from a point not more than two feet above the floor line of the lowest story in the building in which there are windows from rooms abutting the said yard; except that outside stairways, platforms and balconies constructed of open metal work and fire escapes may extend not more than four feet into a yard, providing they do not in any manner obstruct the light or ventilation of rooms. If such yard is between the front line of the building and the front boundary line of the lot, it is a "front yard." If it is between the extreme rear line of the building and the rear of the lot, it is a "rear yard." If it extends from the rear yard to the front yard, or front of lot, it is a "side yard."

Sec. 11. No hotel shall hereafter be erected on or moved onto a rear lot. No building for any purpose shall hereafter be erected in front of any hotel unless there shall be left unoccupied a front yard extending from the front of the rear hotel to the front line of lot bordering on the street.

Such front yard shall not be in any part less in width than fifty (50) per cent of the actual width of the rear hotel.

Sec. 12. No fireproof hotel hereafter erected shall exceed one hundred fifty feet in height, nor more than one and one-half times the width

of the widest street to which the lot on which it is situated abuts.

No semireproof hotel building hereafter erected shall exceed six stories at any point, nor more than *sixty-five feet* in height (except as hereinafter provided), nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

No wooden hotel hereafter erected shall exceed three stories at any point, nor more than thirty-six feet in height (except as hereinafter provided), nor more than *one and one-half* times the width of the widest street to which the lot on which it is situated abuts.

The width of the street, for this purpose, shall be measured from the extreme front of the building to the "front of lot" opposite, across the street.

For the purposes of this section, a basement is a story.

The height of a fireproof hotel is the perpendicular distance from the curb level or adjoining ground levels to the highest point of the roof. The height of a semireproof or of a wooden hotel is the perpendicular distance from the curb level or adjoining ground levels to the lowest point of the finished ceiling of the top story; provided, that in the case of a semireproof hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed *sixty-five feet* above the curb level measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed *seventy-five feet* above the adjoining curb in case of a corner lot, or above the level of the ground in the case of an interior lot, and in the case of a wooden hotel situated on a lot with the ground sloping downward from the facade at which the measurement is taken the height of the building shall not at any point exceed *thirty-six feet* above the curb line measured on the facade facing the street, nor shall the height of the building at any point of the grade exceed *forty-six feet* above the adjoining curb in the case of a corner lot or above the level of the ground in the case of an interior lot.

Sec. 13. In no event shall any yard or court be made to serve the purpose of two hotels hereafter erected, or of an existing hotel and a hotel hereafter erected, unless such yard or court, as the case may be, is of the full size required for two hotels, and then only in the event that such yard or court, as the case may be, is located on the same lot and owned by or in the absolute lawful control and in the lawful possession of the hotel it proposes to serve.

Where a hotel, now or hereafter erected, stands upon a lot, no other building shall hereafter be placed upon the front or rear of that lot, unless the minimum distance between such buildings shall be at least *ten feet* and two additional feet shall be added to such minimum distance of *ten feet* for every story more than *one* in height of the highest building on such lot.

Sec. 14. The depth of a rear yard shall be measured at right angles from the extreme rear line of the building towards the rear lot line.

Sec. 15. The minimum size of every rear yard for a hotel hereafter erected shall be not less in width and in area than an inner court, except that if such rear yard is bounded on its entire one end or side by an outer court, or by a side yard or by a street, or by a public alley or park, then such rear yard shall be not less in width or exceed the maximum length of an outer court; provided, however, that if the lot extends through from one street to another street or public alley, *one-half of the narrowest street or public alley*, to which said lot abuts may be considered as a part of the lot in computing the rear yard required.

Sec. 16. Every rear yard not bordering on a street or public alley and without direct access thereto shall have access to a street or public alley by means of an unobstructed passageway not less than *three feet six inches* in clear width,

nor less than seven feet in clear height; and if such passageway or any portion thereof passes through a building, such portion thereof shall be built of approved incombustible materials, or shall be lathed with metal lath or approved plaster board and be plastered not less than three-quarters inch thick including the lath or plaster board, or shall be lined with not less than number twenty-six (gauge) galvanized iron, and shall be drained and lighted.

Sec. 17. Every front yard which is excavated below the level of the curb or below the adjoining ground level for the purpose of furnishing light and ventilation to a basement shall in no part be less in width and length than required for outer courts.

Sec. 18. The width of every side yard shall be not less than the width required for an outer court, except that the provisions of this act regarding the maximum lengths of an outer court shall not apply to a side yard; provided, that if there is a side yard on both sides of the building connected one with the other across the rear of the building by the rear yard, then the width of the side yards may be reduced twelve inches.

Sec. 19. The minimum size of every outer court for a hotel hereafter erected shall be as follows.

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	Maximum length of court
1 story	4 ft. 0 in.	16 ft. 0 in.
2 stories	4 ft. 0 in.	16 ft. 0 in.
3 stories	4 ft. 6 in.	25 ft. 0 in.
4 stories	5 ft. 6 in.	30 ft. 0 in.
5 stories	6 ft. 0 in.	35 ft. 0 in.
6 stories	8 ft. 0 in.	35 ft. 0 in.
7 stories	10 ft. 0 in.	40 ft. 0 in.
8 stories	12 ft. 0 in.	40 ft. 0 in.
9 stories	13 ft. 0 in.	40 ft. 0 in.
10 or more stories	14 ft. 0 in.	40 ft. 0 in.

There shall be added to the minimum width of each such outer court six inches for each five feet or fractional part thereof in excess of the maximum length; provided, however, that the maximum lengths herein provided shall not apply when the outer court is bounded on one side for its entire length by a lot line; provided, further, that if an outer court is bounded by a public alley or public park, the width of such public alley or public park may be considered a part of the lot in determining the required width of the outer court.

Sec. 20. The minimum size of every inner court for a hotel hereafter erected shall be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	Minimum area of court in square feet
1 story	6 ft. 0 in.	75 square ft.
2 stories	6 ft. 0 in.	75 square ft.
3 stories	7 ft. 0 in.	120 square ft.
4 stories	8 ft. 0 in.	160 square ft.
5 stories	12 ft. 0 in.	250 square ft.
6 stories	16 ft. 0 in.	360 square ft.
7 stories	20 ft. 0 in.	625 square ft.
8 stories and more	24 ft. 0 in.	840 square ft.

provided, however, that the minimum size of every inner court which is bounded on one side

for its entire length by a lot line may be as follows:

Height of building based on the full number of stories in the building measured upward from and including the lowest story in which there is a guest room, or guest rooms, or a dormitory or dormitories	Minimum width of court	Minimum area of court
1 story -----	5 ft. 0 in.	75 square ft.
2 stories -----	5 ft. 0 in.	75 square ft.
3 stories -----	6 ft. 0 in.	120 square ft.
4 stories -----	7 ft. 0 in.	160 square ft.
5 stories -----	9 ft. 0 in.	250 square ft.
6 stories -----	16 ft. 0 in.	400 square ft.
7 stories -----	20 ft. 0 in.	625 square ft.
8 stories and more -----	24 ft. 0 in.	840 square ft.

Every inner court hereafter constructed and every inner court or vent shaft now in any hotel or lodging house shall be provided with a door or window at or near the bottom thereof giving sufficient access to such court or vent shaft as to enable it to be properly cleaned out.

Sec. 21. Every recess from a court, yard or street in a hotel hereafter erected shall unless it conforms to the requirements of this act for an inner court, or an outer court, be not less in width than its depth. Every such recess shall be open and unobstructed from a point not more than two feet above the floor line of the lowest story in the building in which there are rooms the said recess proposes to serve.

Sec. 22. Every inner court in a hotel of two or more stories in height hereafter erected shall be provided with one or more horizontal intakes at the bottom of the court, as follows:

Inner court areas	Minimum number of intakes	Net aggregate area of intakes
Each not exceeding 500 square feet -----	One	19½ square feet
Each not exceeding 800 square feet -----	Two	40 square feet
Each exceeding 800 square feet -----	Two	60 square feet

Every such intake shall always extend directly to the front of lot or front yard, or rear yard, or to a side yard, or to a street, or to a public alley or park. Whenever more than one intake is required, one such intake shall extend to the front of lot or front yard, and one to the rear yard, public alley, public park, or to the other street, and the court ends of the air intakes shall be as far apart as possible.

Each such intake shall consist of an unobstructed duct or passageway having a minimum width of three feet in all its parts and a minimum height of six feet six inches.

Every such intake shall be constructed of approved incombustible materials, or shall be lined with at least number twenty-six (gauge) galvanized iron on the inside thereof. Such air intakes may be closed at each end with a gate or grill having not less than seventy-five per cent of open work.

In case the inner court does not extend below the second floor level, then each such air intake may consist of an unobstructed open duct, constructed of approved incombustible materials or lined with at least number twenty-six (gauge) galvanized iron on the inside thereof, having an interior area of not less than nineteen and one-half square feet, and in no dimension less than twelve inches, and covered at each end with a wire screen of not less than one inch mesh.

Every air intake shall be drained and so constructed and arranged as to be readily cleaned out.

Sec. 23. In no hotel shall any room in the cellar be constructed, altered, converted or occupied for sleeping purposes.

Every cellar shall be illuminated and ventilated. The walls and floor of every cellar hereafter constructed, which are below the ground level,

shall be made waterproof and dampproof, and whenever deemed necessary and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 24. In no hotel shall any room in the basement be constructed, altered, converted or occupied for sleeping purposes, unless such room conforms to all of the requirements of this act for rooms in other parts of the building, and that ceiling of each such room be in all parts not less than seven feet above the adjoining ground level.

Every basement shall be illuminated and ventilated. The walls and floors of every basement hereafter constructed, which are below the ground level, shall be made waterproof and dampproof, and whenever deemed necessary and so ordered by the department charged with the enforcement of this act, the walls and ceilings thereof shall be plastered.

Sec. 25. In every hotel hereafter erected, the lowest floor thereof shall be at least eighteen inches above the surface soil adjoining and under the floor, and the entire space under such floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

Such space under the floor shall be enclosed and provided with a sufficient number of openings with removable screens or similar provisions of a size to insure ample ventilation; provided, however, that in any such building the lowest floor thereof may be less than eighteen inches above the surface soil but in no case less than six inches (except where masonry floors are laid directly on the soil) if the said floor is made impervious to the ingress of rats or other vermin, as follows:

(a) Foundation walls shall be constructed of concrete or of brick or stone or other masonry laid in a good mortar or constructed of some other equally as rat proof material.

(b) The said foundation walls shall be not less than six inches in thickness at the top nor less than twelve inches in thickness at the bottom, nor extend less than twelve inches below the surface soil, and except where masonry floors are laid directly on the soil, shall extend not less than six inches above the surface soil.

(c) Every opening in the foundation walls, for ventilation or for other purposes, shall be made rat proof with suitable metal screens or with some other similar rat proof material. Door or window openings in such walls shall have tight-fitting doors or windows.

(d) The said lowest floor or differing levels thereof, forming a complete floor between the outside walls of the building, shall be constructed either of masonry, or covered with concrete not less than one and one-half inches thick, or constructed of two layers of flooring with a layer of galvanized iron or galvanized iron wire cloth or other approved equally as rat proof material placed between the two layers of flooring. Or in lieu of the floor being constructed as herein prescribed, the entire ground area under the floor shall be covered with concrete not less than two inches thick, except where the surface of the soil is composed of rock. The rat-proofing material shall always extend under the plates of the exterior walls and supporting partitions.

(e) All openings throughout the said floor for chimneys, plumbing, water pipes or for any other purpose shall be closed up tight in the same manner and with the same kind of materials as required under the plates of the exterior walls and supporting partitions, and if the rat-proofing material used for the closing of openings is other than masonry, it shall extend beyond and underlap the flooring all around the opening, not less than two inches.

Sec. 26. In every hotel hereafter erected, every guest room shall contain not less than ninety square feet of superficial floor area. Every such room shall at every point be not less than seven feet in width, nor less than nine feet in height, measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be nine feet in height in but one-half the area of the room.

Every water-closet compartment shall be not less than thirty-six inches in clear width, and

every such water-closet compartment, bath or slop-sink compartment, or closet or recess from a room, or dressing room shall have a height of not less than seven feet six inches, measured from the finished floor to the finished ceiling.

Every closet, recess from a room, or a dressing room which contains more than twenty-five square feet of superficial floor area (built-in dressers, clothes presses and similar features which are a substantial part of the structure shall not be deemed to be part of the floor area of a closet, recess from a room, or dressing room), shall conform to all of the provisions of this act as to guest rooms, and shall contain not less than ninety square feet of superficial floor area.

No part of any room in any hotel shall hereafter be enclosed or subdivided wholly or in part, by a curtain, portiere, fixed or movable partition, or other contrivance or device, for any purpose, contrary to any of the provisions of this act.

Entertainment, amusement or reception rooms, or public dining rooms, hereafter constructed, altered or converted in any hotel shall conform to the provisions of section thirty of this act.

Dormitories hereafter constructed, altered or converted in any hotel shall conform to the provisions of section sixty-two of this act.

Sec. 27. In every hotel hereafter erected, every guest room, dormitory, kitchen, scullery, pantry or other room in which food is stored or prepared, public dining room, laundry, barber shop, Turkish baths, general amusement, entertainment or reception room, water-closet, or shower compartment, bath, toilet or slop-sink room and general utility room shall have at least one window, of the area hereinafter required, opening directly upon a street, or upon a yard or court of the dimensions specified in this act and located on the same lot.

All windows required by this act shall be located so as to properly light all portions of the room and shall be made so as to open in all parts and be so arranged that at least one-half of the window may be opened unobstructed.

The windows required by this section in a water-closet or shower compartment, bath, toilet or slop-sink room may open directly into a vent shaft in lieu of a street, yard or court. Such vent shaft to be not less than of the minimum size, and constructed of the materials and in the manner prescribed by section fifty-seven of this act, or such rooms or compartments, in lieu of being provided with windows may be ventilated by an exhaust system of ventilation installed, constructed and maintained as prescribed by section sixty-one hereof.

The windows required by this section to open onto a street, yard, or an outer court, except windows from kitchens, may open through porches, *provided that said porches do not exceed seven feet in depth, measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street, yard, or outer court, is left open except that the open space may be enclosed with mosquito screens.*

Kitchens, sculleries, pantries or other rooms used for cooking, storing or preparing of food, public dining rooms, laundries, barber shops, Turkish baths, general amusement or reception rooms and general utility rooms, in lieu of windows may be ventilated by an exhaust system of ventilation installed, constructed and maintained as prescribed by section sixty-one hereof.

Sec. 28. In every hotel hereafter erected, the total window area in each guest room, kitchen, scullery, pantry or other room in which food is stored or prepared, laundry, barber shop, Turkish bath, or general utility room, shall be at least one-eighth of the superficial floor area of the room.

The aggregate window area in each room shall be not less than twelve square feet and no single window shall be less than six square feet in area.

All measurements for window area shall be taken to the outside of the sash.

The window area required for dormitories, entertainment, amusement, reception or dining rooms shall be as hereinafter provided.

Sec. 29. In every hotel hereafter erected each

window in a water-closet compartment, bath, toilet or slop-sink room, or shower room, shall be not less than three square feet in area. The aggregate area of windows for each such compartment or room shall be not less than six square feet. In each such compartment or room containing more than one water closet, bath, urinal or slop-sink, the aggregate window area shall be equivalent to three square feet for each water-closet, bath, urinal or slop-sink therein; except that at no time need the aggregate window area exceed one-fourth of the superficial floor area of such compartment or room.

Sec. 30. In every hotel hereafter erected the total window area in each room used for the purpose of entertainment, amusement, reception or dining room, which room has a superficial floor area not exceeding one hundred eighty square feet, shall be at least one-eighth of the superficial floor area of such room.

Every such room which has a superficial floor area exceeding one hundred eighty square feet shall have an aggregate window area not less than that required for a room of one hundred eighty square feet of superficial floor area.

Every such entertainment, amusement, reception or dining room shall have a minimum height between the finished floor and the finished ceiling of not less than nine feet. No such room or part thereof shall be used for sleeping purposes, except that said room or part thereof complies with all of the other provisions of this act for guest rooms.

Sec. 31. In every hotel hereafter erected every public hallway, on any floor where there are more than five guest rooms, shall have at least one window, opening directly upon a street, or upon a yard or a court, of the dimensions specified in this act and located on the same lot; such windows shall be at the end of the public hallway and placed so as to secure the maximum light into the hallway; provided, however, that in hotels not exceeding two stories in height the public hallway may, in lieu of such windows, be lighted and ventilated by one or more skylights constructed in accordance with the provisions of this act.

Every window required by this act in a public hallway shall be not less than twenty-nine inches in clear width, nor less than fifty-eight inches in height, and the finished sill of same shall be not more than thirty inches above the adjoining finished floor.

Every window shall be made so as to open, and so arranged that at least one-half of the window may be opened unobstructed.

Every skylight provided for in this section shall have an effective horizontal area of glass of not less than fifteen square feet, and shall have ridge ventilators or fixed or movable louvers so as to provide a ventilating area of not less than five hundred square inches. Such skylights shall be so located that no portion of the hallway be distant more than twenty feet, measured from a vertical line, from a skylight opening.

Any part of a public hallway which is offset, recessed, or cut off from any other part of a hallway where such offset or recess is more in length than one and one-half times the width of the public hallway from which it offsets or recesses, shall be deemed a separate public hallway within the meaning of this section.

French windows or doors, if arranged to open and glazed to give the areas of opening and glass required by this act for windows in public hallways, may be used in lieu of windows therein.

Sec. 32. In every hotel two or more stories in height hereafter erected, where there are more than five guest rooms on any one floor, there shall be provided at the roof over each stairway a ventilating skylight, placed directly as practicable over same, having a minimum effective horizontal area of glass at least twenty square feet in area for buildings two stories in height, and the area of glass in such skylight shall be increased at the ratio of six square feet for each additional story in height. In every such skylight the ventilating area shall be not less than five hundred square inches.

Every such skylight, ventilating openings, shutters and closing and opening devices for the ventilating openings, shall be made of approved

incombustible materials, and so arranged that the entire ventilating area may be readily opened from at least the topmost and first story levels; except that in hotels not exceeding four stories in height the ventilators may be arranged so as to open from at least the first story, or may be fixed permanently in an open position.

Skylights as in this section prescribed may be omitted in case that windows are provided of the size fixed by section thirty-one hereof, and located adjoining the stairways, and that each window adjoining the stairway be provided with an open louver or ventilator providing a ventilating area of not less than one hundred square inches or such louver or ventilator may be placed in the roof over the stairway in which event the ventilating area shall be not less than five hundred square inches.

Whenever a skylight is required, as in this section provided, there shall be constructed a stair well, the clear open area of which shall be at each floor equal to one-third of the area of the glass in the skylight.

Sec. 33. In every hotel hereafter erected there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for each sex on such floor. One of such water-closets shall be distinctly marked "for men," and one of the water-closets distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, on such floor, which are not provided with private water-closets. Each of the said water-closets shall be accessible from each of the guest rooms through the public hallway, and not more than one hundred feet distant from the entrance door of each of the guest rooms the said water-closet proposes to serve.

In every hotel hereafter erected there shall be installed not less than one water-closet for every twenty employees of each sex in said building.

No door or other opening in a water-closet or urinal compartment shall open from or into any room in which food is prepared or stored.

The walls enclosing a water-closet compartment shall be well plastered, or constructed of some nonabsorbent material, except that the ordinary wood trim for openings may be used in such a compartment. Every water-closet compartment shall be provided and equipped with a full door, properly hung, and provided with a lock or bolt to lock same.

The floor of every water-closet compartment hereafter constructed shall be made waterproof with asphalt, tile, marble, terrazzo, cement or some other similar non-absorbent material, and such waterproofing shall extend not less than six inches on the vertical walls of the compartment.

Sec. 34. In every hotel erected prior to the passage of this act there shall be installed not less than one water-closet in a separate compartment, located on the public hallway for each sex; one of such water-closets shall be distinctly marked "for men," and one of the water-closets shall be distinctly marked "for women"; and there shall be installed not less than one water-closet in a separate compartment, located on the public hallway, for every twelve guest rooms, or fractional part thereof, on such floor, which are not provided with water-closets; provided, however, that the housing department charged with the enforcement of this act may exempt any hotel existing at the time of the passage of this act from fully complying with the provisions of this paragraph when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof, or to the sanitation of the said hotel or premises; provided, further, that no such exemption shall apply to any addition or extension to a hotel.

Every water-closet hereafter placed in a hotel erected prior to the passage of this act shall comply with every provision of this act relative to water-closets installed in hotels hereafter erected, except that if a water-closet is installed in the top story of any such building, the compartment in which it is installed may be ventilated by a skylight with fixed louvers in lieu of a window; provided, however, that a new water-closet may be installed to replace a defective or antiquated fixture in the same location. No door

or other opening in a water-closet, privy, or urinal compartment shall open from or into a room in which food is prepared or stored.

Every hotel erected prior to the passage of this act or hereafter erected, where a connection with the sewer is possible, shall discontinue the use of any school sink, privy vault or any similar receptacle used to receive fecal matter, urine or sewage, and every such receptacle shall be completely removed and the place where it was located be properly disinfected. All such receptacles shall be replaced by individual water-closets of durable nonabsorbent material, properly connected, trapped, vented and provided with flush tanks, the same as is required, by the provisions of this act, in hotels hereafter erected.

Sec. 35. In every hotel hereafter erected there shall be installed not less than one bath tub or shower, in a separate compartment, located on the public hallway, for every ten guest rooms, or fractional part thereof, not provided with private baths; provided, that the said bath tub or shower is on the same floor and is accessible from each guest room through the public hallway. *There shall also be installed not less than one slop-sink on each floor.*

The walls and floors to every bath, shower or slop-sink room hereafter constructed shall be waterproofed and shall be provided with doors in the same manner as required for the construction of water-closet compartments in hotels hereafter erected.

Sec. 36. In every hotel erected prior to the passage of this act there shall be installed not less than one bath tub or shower, in a separate compartment, located in the public hallway, for every twenty guest rooms, or fractional part thereof, which are not provided with private baths; provided, that the said bath tub or shower is located on the same floor and is accessible from each guest room through the public hallway.

There shall also be installed not less than one slop-sink on each floor; provided, however, that the housing department charged with the enforcement of this act may exempt any hotel existing at the time of the passage of this act from fully complying with the provisions of this section when, in its discretion, such deviation will not be detrimental to the health of the occupants thereof, or to the sanitation of the said hotel or premises; provided, further, that no such exemption shall apply to any addition or extension to a hotel.

Sec. 37. In every hotel hereafter erected every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Every plumbing fixture affecting the sanitary drainage system in any hotel hereafter erected, shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 38. In every hotel erected prior to the passage of this act, every plumbing fixture shall be provided with running water, and there shall be provided faucets, with running water, sufficient in number so that all of the yards, courts and passageways may be washed. *Faucets shall be of the hose bibb type, not less than three-quarter inch size.*

Sec. 39. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the hotel hereafter erected or an existing hotel, as the case may be, is situated where there is no running water and where

there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water and proper means of sewage disposal. A special permit in writing shall be obtained in every such case from the department charged with the enforcement of this act, which permit shall be made in duplicate, and a copy thereof shall remain on file in the department issuing it; provided, further, that proper, separate toilet facilities for each sex shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy, and protection from the elements. The openings of the shelter and pit shall be enclosed by mosquito screening, and the door to the shelter shall be made to close automatically by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals.

All drainage water shall be conveyed from the premises by means of a covered drain to a covered cesspool.

Sec. 40. In every hotel erected prior to the passage of this act all plumbing fixtures affecting the sanitary drainage system shall be properly trapped and vented and made sanitary in every particular. In any hotel hereafter erected, and in any hotel erected prior to the passage of this act no plumbing fixtures shall be enclosed with woodwork, but the space under and around same must be left entirely open. All woodwork enclosing a water-closet, sink, slop-sink, wash tray or lavatory shall be removed and the floor and wall surfaces beneath and around such water-closet, sink, slop-sink, wash tray or lavatory shall be maintained in good repair, and if of wood, well painted with a light colored paint of sufficient body to make it nonabsorbent. All wooden seats, attached to water-closet bowls, shall be varnished or enameled, or by some other method made non-absorbent.

In every hotel hereafter erected water-closets shall have earthenware bowls and shall have earthenware seats integral with the bowls, or wooden seats, varnished or enameled so as to be nonabsorbent, or seats made of some nonabsorbent material attached directly to the bowls. No wooden wash trays or wooden kitchen sinks shall be permitted in such buildings. All plumbing connections hereafter made in buildings shall be of standard lead, iron, steel or brass; and every gas and water service connection hereafter made shall be of steel or iron, and shall be equipped with cut-off valves placed outside of the building, and such cut-off valves shall be readily accessible.

Whenever any plumbing fixture becomes insanitary the department charged with the enforcement of this act is hereby empowered to order the same removed and to order that it be replaced by a fixture conforming to the provisions of this act.

Sec. 41. Every hotel hereafter erected, three or more stories in height and in which there are more than five guest rooms on any one floor, shall be so designed and constructed that every guest room in such building shall have not less than two means of egress, either by stairways or fire escapes, constructed in accordance with the provisions of this act. Such means of egress shall be accessible from every guest room, either directly or through a public hallway, and so located that should one egress be or become blocked, the other egress shall be available.

Sec. 42. Every hotel two or more stories in height, hereafter erected shall have not less than two stairways.

Every fireproof hotel two or more stories in height hereafter erected shall have not less than

one stairway, not less than three feet six inches wide, for each six thousand square feet or fractional part thereof of floor area in any one floor above the first floor thereof.

Every semifireproof hotel two or more stories in height hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each three thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every wooden hotel two or more stories in height hereafter erected shall have not less than one stairway, not less than three feet six inches wide, for each three thousand square feet, or fractional part thereof, of floor area in any one floor above the first floor thereof.

Every hotel hereafter erected shall have not less than one stairway leading from the outside to every basement or cellar thereof.

Sec. 43. The largest floor area above the ground floor shall be used as the basis for computing the number of stairways required in a hotel hereafter erected; provided, that if all floors above the largest floor area of the building are diminished in area, the stairway or stairways from that portion of the building containing a smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 44. All stairways hereafter constructed shall be located so as to furnish the best means of egress from the building, shall be as far removed from each other as is practicable, and shall be as follows:

Access to stairways shall be provided at every floor by means of a public hallway, corridor, or passageway, and the public hallway, corridor, passageway and stairway from the ground exit level to the top story or roof shall be accessible at all times.

No stairway shall abut on more than one side of an elevator shaft, except on the entrance and topmost stories; provided, that the stairway is so located that it can be approached from the street entrance without passing by or in front of the open side of the said elevator shaft.

No stairway shall be located over a steam boiler, gas meter or gas heater or furnace, unless such boiler, gas meter, gas heater or furnace be located in a room, the walls and ceiling of which are constructed as required for a boiler room by section fifty-nine of this act. No stairway leading from any other portion of the building shall terminate in or pass through a boiler room.

Sec. 45. Every stairway hereafter constructed shall be as follows: Have a rise of not more than eight inches and a run of not less than nine inches, without change in the run or rise between floors; and shall be provided with head room of not less than six feet six inches, measured from the nearest nosing of the stairway to the nearest soffit.

The depth of every landing in a stairway shall be not less than the width of the stairway, and all treads shall be of equal width for every run of stairs, and shall not vary in width in the width of the stairs.

Every stairway required by this act shall be continuous from the ground level to the top story, i. e., the flights of such stairway shall be constructed one directly above the other, or shall be constructed so that each flight shall be in plain view of each succeeding flight; provided, however, that half of the stairways from the upper floors may terminate at the second floor, in the event that the stairways from the first to the second floor be increased in width not less than fifty per cent.

Every stairway shall have at least one handrail and if the stairway be five feet or more in width, shall have a handrail on each side thereof.

The under side and soffits of wooden stairways and the outside stringers of open stairways, except outside stairways in semifireproof and wooden hotels shall be metal lathed and plastered not less than three-quarters inch thick including the lath, or lathed with approved plaster board and plastered not less than three-quarters inch thick including the plaster board.

The width of stairways shall be measured in the clear of all projections except the baseboards, and except that handrails and newel posts may project not more than four inches.

Sec. 46. No closet of any kind shall be constructed in any hotel under any wooden stairway, but such space shall be kept entirely open, and be kept clean and free from all encumbrance; or such space shall be effectually closed with walls of studs, lathed and plastered, with no door or opening of any kind therein; provided, however, that the provisions of this section as to a closet under a stairway shall not apply to any hotel not more than two stories in height, in which there are not more than five guest rooms above the first floor thereof.

Sec. 47. In every hotel hereafter erected more than two stories in height, the stairway nearest to the main entrance of the building shall be carried to the roof level and shall give egress to the roof through a penthouse or roof structure. In every such building not exceeding two stories in height there shall be constructed a scuttle, in the public hallway, near the stairway. Such scuttle shall be not less than two feet by three feet in area, and shall be cut through the ceiling and roof.

Penthouses over stairways shall be built either of fireproof materials or of wood studs, lathed with metal lath or approved plaster board and plastered not less than three-quarters inch thick including the lath or plaster board on the inside and outside thereof; or such penthouses may be covered in the same manner and with the same kind of materials as required by this act for the doors from such penthouses.

The door to the roof from a penthouse or roof structure shall be self-closing and shall open outward to the roof and shall be covered on both sides and edges with tin or other metal.

The frames and trim of such door opening shall be similarly constructed and all glass in such door shall be wired glass not less than one-fourth inch thick.

Every hotel of more than two stories in height, erected prior to the passage of this act, shall have in the roof a penthouse or a scuttle, which scuttle shall be not less than two feet by three feet in area, located in the ceiling of a public hallway. There shall be provided a stairway or a stationary ladder, leading from the top floor of such hotel to the roof thereof. Such stairway or stationary ladder shall be made readily accessible to all the tenants of the building. No scuttle or penthouse door shall at any time be locked with a key, but may be fastened on the inside by a movable bolt or lock.

Sec. 48. Public hallways, landings, and corridors from stairways shall be of the same width and measured in the same manner as the stairways as provided in section forty-six hereof.

Sec. 49. On every hotel hereafter erected more than two stories in height, there shall be provided at least one fire escape. If such hotel exceeds three thousand square feet of floor area on any one floor above the second floor thereof, such building shall be provided with one additional fire escape for each four thousand square feet of floor area or fractional part thereof.

Fire escapes required by this act shall be of one of the following types:

Type 1. Metallic throughout and fastened securely to the exterior walls of the building, with a balcony at each story above the first story thereof, with inclined stairways connecting all balconies and a goose-neck ladder connecting the topmost balcony to the roof. The lowest balcony of such fire escape to be not more than fourteen feet above the street or ground level directly under same.

All metallic balconies shall be not less than forty-four inches in width nor less than thirty-three square feet in area. The stairway openings therein shall be not less than twenty-one inches wide and forty inches in length. The balcony balustrade shall be not less than thirty-four inches high, with no opening in such balustrade greater than eight inches in horizontal dimension.

There shall be no opening greater than one

inch in width in a fire escape balcony platform, except the stair well opening.

There shall be no opening greater than one inch in width in the lowest fire escape balcony platform, except that there be attached a counterbalanced or permanent ladder reaching to the street or ground below.

Every balcony platform shall be fastened to the outside walls of the building by building in and anchoring to such walls the balcony platform and the balustrade framing, or by securely bolting same thereto. Every balcony shall be supported by brackets, braces, or struts fastened to or built in and anchored to the walls.

The inclined stairways shall be not less than eighteen inches in width and placed in no part nearer than twenty-one inches from the face of the wall. Such inclined stairways shall have an inclination of not less than four inches and not more than six horizontally to each twelve inches of vertical height. The treads shall not less than four inches wide, placed not more than twelve inches apart. Each side of the stairways shall be provided with a handrail less than one inch in diameter fastened to stair stringers and continued around the whole openings of balcony platform.

The goose-neck ladder shall be not less than fifteen inches wide and extend vertically from the topmost balcony to three feet above the fire wall or roof above, and then be brought down and fastened to the inside face of the fire wall or to the roof. The rungs of the goose-neck ladder shall be not less than five-eighths inch round iron or steel, placed not more than fourteen inches apart. The goose-neck ladder shall be securely braced and fastened to the outside wall, and in no case shall such ladder pass in front of any opening in the wall to the interior of the building. The cornice opening for the passage of such ladder shall be not less than twenty-four inches in width and twenty-four inches in the clear outside of the ladder.

Such fire escape shall be framed and riveted or bolted together in a solid, substantial manner and properly supported, braced and fastened to the outside walls so as to be rigid, durable and secure and carry the loads imposed.

All metallic fire escapes shall be painted with not less than two coats of good, durable paint; or such fire escapes may be galvanized.

Type 2. Metallic ladders and stairways conforming to the provisions set forth for type one and with reinforced concrete or iron or steel fireproofed balconies, with fastenings of similar materials. Such balconies to measure the full size inside of balustrades. Floor openings and well holes provided and protected similarly to the requirements for metallic balconies.

Type 3. Any type of an enclosed approved metallic spiral fire escape which consists of a rigid form of an inclined chute or chutes constructed entirely of incombustible material; securely attached to the outside walls of the building; provided with proper means of ingress thereto from the building and egress therefrom at the bottom; having means enabling firemen to reach the roof thereby from the ground; equipped with stand-pipes; painted the same as provided for metallic fire escapes; and satisfactory to the department charged with the enforcement of this act as being as solid, substantial and durable and as fireproof in construction, and providing at least as safe and efficient means of escape from the building for the occupants thereof, and furnishing all the protection and utility of the metallic fire escape described as "type one" in this act.

Type 4. Fire and smoke towers, consisting of a fire escape stairway not less than twenty inches in width, constructed of reinforced concrete, iron or steel, or a combination of these materials; and in all other details as required in this act for metallic fire escape stairways; said stairways being continuous the full height of the building from the first floor exit level to the roof, and with handrails on each side thereof the full length of same. Such stairways to be constructed at a point adjoining the exterior walls of the building and be entirely enclosed with walls of brick, terra cotta tile, con-

crete or reinforced concrete not less than twelve inches thick; such walls to be continuous from the basement up to and extending three feet above the roof of the building, with no covering of any kind over same, and with no openings in the walls of such tower into the building. The enclosing walls of such tower not to be used to carry or support any floor joist, beam, girder or other structural feature of the building, nor to be chased for any pipe, conduit or other purpose; to have an exit from the enclosure at the first floor line opening directly to a street or yard, and having an entrance by means of an outside balcony at each floor, such balconies to have a solid floor and in all other details and kind of materials to be as in this act required for metallic fire escape balconies. The balconies to be located and arranged to connect with a door opening from a public hallway in the interior of the building and with a door opening leading from the balcony to the tower, such door opening from the building to the balcony and from the balcony to the tower to be not less than thirty inches wide by seventy-two inches high and be equipped with metal-lined doors and with a frame and threshold of such door openings constructed of fireproof materials.

Type 5. A fire and smoke tower in every way similar to "type four" of this section, except that instead of the outside balcony there be built a vestibule with enclosing walls continuous with and of the same kind of materials and of the same thickness as the enclosing walls of the fire tower; that the vestibule opening be direct from a public hallway and be equipped with metal-lined doors. The vestibule floor to be of masonry construction. The enclosure to have an opening at each floor through the exterior wall of the building, such opening to extend from the floor to the ceiling and be not less in width than three-fourths of the width of the tower, said opening to be protected with an open metallic balustrade similar to that specified for metallic fire escape balconies.

Sec. 50. In any hotel hereafter erected in which there is constructed a fire escape of "type four" or "type five," as prescribed in this act, such fire escape may be used and construed as a stairway and a fire escape combined: provided, that there is at least one other stairway or one other fire escape constructed in accordance with the provisions of this act, in the said building.

Sec. 51. Every fire escape required by this act shall be located on the building so as to furnish the best means of escape therefrom for the occupants, and at least one such fire escape shall be located on a street front. Every such fire escape shall have egress thereto from a public hallway or passageway not less than three feet wide, or such fire escapes, in lieu of being located on a public hallway, shall be so located that each guest room has direct egress thereto without passing through another room. If a public parlor, public lobby, or similar room is connected directly with the public hall, corridor or passageway through a clear and unobstructed opening, without doors, then egress may be had thereby to a fire escape. Signs both pointing towards and marking the locations of fire escapes shall be placed on each floor.

Sec. 52. The largest floor area above the second floor shall be used as a basis for computing the number of fire escapes required by this act; provided, that if all floors above the largest floor area are diminished in size, the number of fire escapes from that portion of the building containing the smaller area may be computed on the basis of the largest floor area in that portion of the building.

Sec. 53. All parts of each balcony platform of a fire escape shall be designed to carry, in addition to the dead load thereof, a live load of one hundred pounds per square foot over the entire area thereof, using outside dimensions, and the live and dead loads from the ladders or stairs supported thereon.

Each ladder shall be designed to withstand a horizontal pressure of one hundred pounds per square foot.

Each stairway shall be designed to carry, in

addition to the dead load thereof, a live load of one hundred fifty pounds per square foot of horizontal project.

Top rails of balcony balustrades shall be designed to withstand a horizontal pressure of one hundred pounds per lineal foot of railing.

Each balcony shall be independently supported.

All fastenings of fire escape balconies to the building shall be designed to carry twenty-five per cent greater load than the total dead and live loads carried by the balconies. The balcony anchorage shall be direct to the structural steel or iron members of the balustrades and platforms extended into the walls and anchored into the structural work of the building.

The level of the inside sill of the door or window giving access to a fire escape balcony or the balcony floor shall be not more than thirty inches above the adjoining floor in the building. Every such door or window opening shall be not less than twenty-nine inches in clear width nor less than fifty-eight inches in height.

Where double-hung windows are used in such openings, the lower sash shall be at least the size of the upper sash and shall slide to the top of such opening. Any lock used on any such window shall be of a type which can be readily opened from the interior of the building without the use of a key or other tool.

Sec. 54. Every fire escape in or on a hotel hereafter erected, or in or on a hotel erected prior to the passage of this act, shall at all times be maintained in good order and repair, well painted and clear and unobstructed at all times, and be readily accessible.

Sec. 55. On every hotel hereafter erected four or more stories in height, there shall be provided one or more metallic standpipes. Each such standpipe shall be not less than four inches in internal diameter, and shall have a Siamese inlet valve near the sidewalk or ground directly under same, and an outlet valve at each story above the first story and on the roof.

One such standpipe shall be placed on or in the exterior walls of the building at one fire escape on each street frontage, and the outlet valves shall be readily accessible from the balconies of the fire escapes.

The inlet and outlet valves on every standpipe shall be threaded and brought to a size which will meet the standard connections of the local fire department of the municipality in which such hotel or lodging house is being erected.

The standpipes required by this section need not be installed in any hotel which is situated where there is no running water and where it is not practicable or possible to obtain water for efficient use of such standpipes, until such time as it is practicable or possible to obtain running water; and the department charged with the enforcement of this act shall decide whether or not it is possible or practicable to obtain running water.

Sec. 56. In every fireproof hotel hereafter erected, every elevator shaft, dumb-waiter shaft or other interior shaft shall be inclosed in walls constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard, incombustible materials, or shall be constructed of metal studs lathed either with metal lath or approved plaster board and plastered on both sides so as to make a solid partition not less than two inches thick.

In every semireproof or wooden hotel hereafter erected, every such shaft shall be inclosed by walls constructed as provided by this act for fireproof hotels, or such walls shall be constructed with wood studs, with wood firestops the same size as the studs, cut in between the studs at each floor and half way between each floor, lathed on both sides with metal lath or approved plaster board and be plastered not less than three-quarters inch thick including the lath or plaster board.

Every opening from any shaft into the building shall be equipped with a metal door and with door frame and trim entirely of metal; or

Each door and door frame shall be constructed of wood covered with metal on the shaft side thereof, and if there is any glass therein, such glass shall be wired glass not less than one-fourth inch thick. Every door or window therein shall be made to close tight, and every door except elevator doors therein shall be self-closing.

Every window in such shaft shall be of wired glass, not less than one-fourth inch thick, set in a metal sash or a sash metal-covered on the shaft side thereof.

At the roof over every elevator shaft there shall be constructed a ventilating skylight or a ventilator with open louvres.

Sec. 57. In every hotel hereafter erected every vent shaft shall be inclosed by walls constructed the same as required by this act for elevator shafts in the same class of building. Such vent shafts may, in a semifireproof or wooden hotel, be lined on the outside thereof (weather side) with metal in lieu of metal lath and plaster; also, that portion of such shaft extending from the ceiling joists to the top thereof may be lined with metal in the same manner as is required for the weather side of such vent shaft.

Every opening from any vent shaft into the building or any window therein shall be equipped in the same manner as required by this act for elevator shafts in the same class of building.

Plaster on the weather side of any such shaft shall be cement plaster.

Every vent shaft required by this act shall be not less than four feet in any direction and be at least sixteen square feet in area. If such vent shaft exceeds fifty feet in height, measured from the bottom to the top of the walls of such shaft, then such vent shaft shall throughout its entire height be increased in area three square feet for each additional ten feet or fractional part thereof above fifty feet.

Every such vent shaft shall be provided with an air intake or duct at or near the bottom thereof, communicating with the street or yard or a court. Such intake shall be not less than three square feet in total area, and may be divided into not more than three separate ducts running between the joists or otherwise, and shall in all cases be placed as nearly horizontal as possible. Every such intake or duct shall be constructed of approved fireproof material or shall be of metal or metal-lined, and be provided with a wire screen of not less than one inch mesh at each end. Plumbing, gas, steam or other similar pipes may be placed in such a vent shaft.

Every vent shaft shall have a door or a window at or near the bottom of the shaft, so arranged as to permit of its being readily cleaned out.

Sec. 58. The walls of every inner court in a fireproof hotel hereafter erected shall be constructed of concrete, reinforced concrete, brick, terra cotta tile or other similar hard, incombustible material. In a semifireproof or in a wooden hotel such inner court walls, if surrounded on four sides by the walls of the same building, shall be constructed as provided for fireproof hotels, or may be of wood studs with wood firestops the same size as the studs, cut in between the studs at each floor and halfway between each floor, lathed on both sides with metal lath, or with an approved plaster board and be plastered not less than three-quarters inch thick including the lath or plaster board. Plaster on the weather side of such inner court walls shall be cement plaster, or such inner court walls may be lined on the weather side with not less than number twenty-six (gauge) metal, in lieu of metal lath and plaster.

Sec. 59. In every hotel hereafter erected, every boiler used for the purpose of heating the building, using fuel other than gas, and every heating furnace or water-heating apparatus, using oil for fuel, shall be installed in a room, the walls of which room shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six inches thick and such walls shall extend from the floor of the boiler room to the ceiling over same. The entire ceiling of such room shall be built of similar materials as the walls, or shall be built with a

double ceiling, with a space of not less than seven-eighths inch between the two ceilings, each ceiling shall be metal lathed or lathed with an approved plaster board and be plastered not less than three-quarters inch thick including the lath or plaster board. The floor of a boiler room shall be of concrete not less than two inches thick.

Any door in the wall of such room shall be a fire-resisting door, constructed of three thicknesses of seven-eighths inch by not more than six inches, tongued and grooved, matched, redwood boards entirely covered on the sides and edges with lock-jointed tin; every such door shall be self-closing, so hung as to overlap the walls of the room at least three inches, and any glass in any such door or any glass in any window or opening in the walls of a boiler room shall be wired glass, not less than one-fourth inch thick, set in a metal or metal-covered sash.

All such doors shall have hinges, hangers, latches and other hardware of wrought iron, bolted to the doors, and shall have steel tracks, when sliding doors are used, with wrought-iron stops and binders bolted through the wall. Swinging doors shall have wall eyes of wrought-iron, built into or bolted through the wall.

Every such boiler room shall have a sill across each door not less than four inches high. Such sills shall be of masonry, and the doors shall overlap same at least three inches, or in lieu of a masonry sill a steel or iron sill may be used, in which case the door shall close tight on top of same.

Where oil or other fluid fuel is burned, the oil or other fluid fuel shall not be fed by a gravity flow.

Sec. 60. In every hotel hereafter erected any portion of such building in which there is kept or stored any automobile or automobiles shall be a room enclosed in partitions which shall be built of concrete, reinforced concrete, brick, stone or terra cotta tile, not less than six inches thick. Such enclosing partitions shall extend from the floor of the room to the ceiling of the same. The entire ceiling of such room shall be built of material similar to that in the construction of its walls or shall be either metal lathed or be lathed with an approved plaster board and be well plastered, and if any portion of the building is used as a public automobile garage, or automobile repair shop, or machine shop the ceiling thereof shall be constructed either of masonry, or of a double ceiling metal lathed or lathed with an approved plaster board and be well plastered, there shall be left a space between the ceilings of not less than six inches measured vertically. The lower ceiling shall be suspended with iron or steel channels. In each case each of the ceilings shall be plastered not less than three-quarters of an inch thick including the lath or the plaster board. The floor of such room shall be of concrete not less than two inches thick. Every door, window or other opening in the walls of such room opening to the interior of the building shall be protected in the same manner required by section fifty-nine hereof for doors, windows and other openings in a boiler room.

Sec. 61. In every hotel hereafter erected the water-closet compartments, bath, toilet or slop-sink rooms, kitchens, sculleries, pantries or other rooms in which food is stored or prepared, public dining rooms, laundries, barber shops, Turkish baths, general amusement, entertainment or reception rooms, and rooms used for similar purposes and general utility rooms, in lieu of being provided with windows, as in this act prescribed, may be provided with a fan exhaust system of ventilation. Such fan exhaust system of ventilation shall consist of independent inlet ducts, extending from the outer air to each such room or compartment and exhaust ducts extending from each such room or compartment to the outer air above the highest roof of the building.

All of the inlet ducts and exhaust ducts shall be constructed of galvanized iron or other smooth surfaced, nonabsorbent material and so arranged that they may be readily cleaned out.

The exhaust ducts shall always be connected to an exhaust fan mechanically operated, so designed and operated as to provide a complete

change of air in not to exceed fifteen minutes for each room used for the following purposes: kitchens; pantries or other rooms used for cooking, storing or preparing of food; barber shops; Turkish baths; laundries.

General amusement, entertainment, reception or dining rooms, or rooms used for similar purposes; general utility rooms; and the said fan exhaust system of ventilation shall be so designed and operated as to provide a complete change of air in not to exceed five minutes for each room used for the following purposes: water-closets; shower compartments; bath, toilet or slop-sink rooms or sculleries.

Any person in charge of a building in which a system of fan exhaust ventilation, as in this section is required, who fails, neglects or refuses to operate and maintain the said system of ventilation in good order and repair so that the ventilation (complete change of air) herein specified is provided in each of the rooms or compartments at all times, shall be deemed guilty of a misdemeanor and subject to all of the penalties fixed by this act.

Sec. 62. Every dormitory hereafter constructed, altered, or converted in any hotel shall be as follows:

(a) In no one dormitory shall there be provided sleeping accommodations for more than twenty adult persons, nor shall the superficial floor space for each person be less than required by section sixty-five hereof.

(b) The ceiling height, measured from the finished floor to the finished ceiling, shall in no case be less than nine feet in the clear, and in no case shall there be permitted in such dormitory more than one tier of beds, provided, however, that in a dormitory in which the clear ceiling height is not less than eighteen feet measured between the finished floor to the finished ceiling thereof, a double tier of beds may be permitted, i. e., one tier above the other; provided, that in no event shall there be less than three feet of clear vertical space between the beds, nor less than three feet in any horizontal direction between any of the beds, nor less than one foot of clear space between the floor of the room and the under side of the first tier of beds.

(c) In every dormitory there shall be provided windows opening onto a street, or onto a yard or court of the dimensions specified in this act and located on the same lot. The window area shall in no case be less than one-eighth of the superficial floor area in the dormitory, and in the event that a double tier of beds are provided, the said window area shall be doubled.

(d) The frames of beds in every dormitory shall be made of steel or iron or of some similar hard, smooth, incombustible and nonabsorbent material.

(e) In every dormitory there shall be provided not less than one water-closet in a separate compartment, not less than one urinal in a separate compartment, and not less than one shower in a separate compartment, and not less than one wash-sink, for each twenty persons or fractional part thereof occupying the said dormitory.

(f) Every dormitory in a hotel erected prior to the passage of this act shall be made to conform to the provisions of subsection "(a)" of this section.

Sec. 63. In any hotel erected prior to the passage of this act, every additional room or hallway that is hereafter constructed or created may be of the same height as the other rooms or hallways on the same story of such hotel.

Sec. 64. Every room in a hotel erected prior to the passage of this act shall, if the said room be hereafter occupied for living or sleeping purposes, have a window of an area not less than eight square feet, opening directly upon a street, a yard, a court or upon a vent shaft not less than twenty-five square feet in area, which vent shaft shall in no part be less than four feet wide and open and unobstructed, without roof or skylight over same; except that if such room be located on the top floor of the building, such room may be ventilated by a skylight with fixed louvers directly to the outer air, or may have a window opening upon a vent shaft not less than ten square feet in area, if such window from the

room be not more than three feet below the top of the wall of such vent shaft.

Every public hallway in every hotel erected prior to the passage of this act, which does not conform to the provisions for public hallways in buildings hereafter erected, shall be provided with light and ventilation to the outer air. Such light and ventilation shall be provided by the placing of windows or skylights, or by making such alterations as in the judgment of the housing department may be deemed necessary to accomplish the result.

Sec. 65. Food shall not be cooked or prepared in any room except in a kitchen designed for that purpose. Floors of kitchens and rooms in which food is stored shall be made impervious to rats by a layer of concrete not less than one and one-half inches thick or by a layer of sheet tin or iron or similar material.

It shall be unlawful for any person to live or sleep, or permit or suffer any person to live or sleep, in any cellar, bath, shower or slop-sink room, water-closet compartment, hallway, closet, kitchen, recess from a room, or dressing room, except when such recess from a room, or dressing room has at least ninety square feet of superficial floor area and complies with every requirement of this act for rooms, or in any other place in such building, which in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage or on account of dampness, offensive, obnoxious or poisonous odors, or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant, in accordance with the age of said occupant:

Number of persons over 12 years of age	Number of persons under 12 years of age	Superficial floor area required
1 or -----	2	60 square feet
2 or -----	4	120 square feet
3 or -----	6	180 square feet
4 or -----	8	240 square feet
5 or -----	10	300 square feet
6 or -----	12	360 square feet

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 66. In every hotel there shall be installed and kept burning from sunrise to sunset throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, passageway, public water-closet compartment, or toilet room, whenever there is insufficient natural light to permit a person to read in any part thereof.

In every hotel there shall be installed and kept burning from sunset to sunrise throughout the year artificial light sufficient in volume to properly illuminate every public hallway, stairway, fire escape egress, elevator, public water-closet compartment, or toilet room and exterior passageway on the lot.

Sec. 67. The walls and ceilings of every sleeping room in every hotel shall, except when there is sufficient natural light to permit a person to read in any part thereof during daytime, be calcimined or painted or papered with a light-colored material, and such calcimine, paint or paper, as the case may be, shall be renewed as often as is necessary to maintain the same of a light color and clean and free from vermin.

The walls of courts and shafts, unless built of light-colored materials, shall be painted of a light color or whitewashed, and such painting or whitewashing shall be renewed as often as is necessary to maintain the same of a light color.

Sec. 68. No wall, partition or ceiling of any room in any hotel shall be repapered, calcimined, or have any other covering placed thereupon unless the old wall paper or other covering shall have first been removed therefrom, and the said wall, partition or ceiling cleaned, disinfected and freed from bugs, insects or vermin.

Sec. 69. Every hotel shall be maintained in good repair. The roofs shall be kept waterproof and all storm or casual water properly

raised and conveyed therefrom to the street sewer, storm drain or street gutter.

All portions of the lot about such hotel, including the yards, courts, areaways, vent shafts and passageways, shall be properly graded and drained; and whenever the department charged with the enforcement of this act deems it necessary for the protection of the health of the occupants of such building, or for the proper sanitation of the premises, it may require that the said lot, yards, courts, areaways, vent shafts and passageways be graveled or properly paved and surfaced with concrete, asphalt or similar materials.

Sec. 70. There shall be provided, whenever it is deemed necessary for the health of the occupants of any hotel or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 71. In every hotel there shall be provided such number of tight metal receptacles with close-fitting metal covers for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act, or in lieu of such metal receptacles there may be constructed a garbage chute or shaft approved by the housing department. Each of said receptacles, chutes or shafts shall be kept in a clean condition by the person in charge or in control of the building.

Sec. 72. Every room, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink or washroom, plumbing fixture, drain, roof, closet, cellar, or basement in any hotel or on the lot, yard, court or any of the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall, or cause or permit any person to deposit any swill, garbage, bottles, ashes, cans or other improper substance in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom; or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room in any hotel, or in or about the said building or premises thereof, for such length of time as to create a nuisance.

Sec. 73. In every hotel, every part of every bed, including the mattress, sheets, blankets and bedding, shall be kept in a clean, dry and sanitary condition, free from filth, urine or other foul matter, in or upon the same; and free from the infection of lice, bedbugs or other insects. No roller or public towel shall be permitted. Bed linen shall be changed at least as often as a new guest occupies the bed.

Sec. 74. In no hotel, or any part thereof, or in the lot, yard, court or any portion thereof, shall there be kept, stored or handled any article dangerous or detrimental to life or to the health of the occupants thereof; nor shall there be stored, kept or handled any feed, hay, straw, excelsior, cotton, paper stock, rags or junk, except upon a written permit so to do, obtained from the fire commissioner or other department authorized to issue such permit. Every such permit shall be deemed to be a public record, made in duplicate and a copy thereof shall remain on file in the office of the fire commissioner or department issuing same.

Sec. 75. No horse, cow, calf, swine, sheep, goat, rabbit, mule or other animal, chicken, pigeon, goose, duck or other poultry shall be kept in a hotel, or any part thereof; nor shall any such animal or poultry, nor shall any stable be kept or maintained on the same lot, yard, court or premises of a hotel, or within twenty feet of any window or door of such building.

No hotel shall be connected with or have any door, window or transom opening to any part of a building wherein paint or oil are stored or kept for the purpose of sale or otherwise.

Sec. 76. In every hotel in which there are eight or more guest rooms and in which the owner does not live, there shall be a janitor, housekeeper or other responsible person, who shall reside in such hotel or on the same lot or premises thereof and have charge of same.

Sec. 77. In case any hotel, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such hotel or building or structure or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said hotel, building or structure, to prevent any illegal act, conduct of business in or about such hotel or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such hotel, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court, or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such hotel, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Sec. 78. Every fine imposed by judgment under section six of this act upon a hotel owner shall be a lien upon the house in relation to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said hotel is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 79. In any action or proceeding instituted by the department charged with the enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

Sec. 80. Every owner of a hotel and every lessee or other person having control of a hotel, shall file in the housing department a notice, containing his name and address, and also a description of the property, by street and num-

her and otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same; and also the number of rooms in the building. In case of a transfer of any hotel, it shall be the duty of the grantee of said hotel to file in the housing department a notice of such transfer, stating the name of the new owner, within thirty days after such transfer. In case of the devolution of the said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in case of devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all the heirs are under age, it shall be the duty of the administrator of the deceased owner of said property, to file in said department a notice, stating the death of said owner and the names of those who have succeeded to his interests, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will if he died testate.

Sec. 81. Every owner, agent or lessee of a hotel shall file in the housing department a notice containing the name and address of such agent of such house, for the purpose of receiving service of process, and also a description of the property, by street and number or otherwise, as the case may be, in such manner as will enable the department charged with the enforcement of this act easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Sec. 82. The names and addresses filed in accordance with sections seventy-nine and eighty shall be indexed by the housing department in such a manner that all of those filed in relation to each hotel shall be together and readily ascertainable. Said indices shall be public records, open to public inspection during business hours.

Sec. 83. Every notice or order in relation to a hotel shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 84. In any action brought by any department charged with the enforcement of this act in relation to a hotel for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Sec. 85. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and the safety of the occupants of hotels. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, incorporated city and county, or county, from enacting from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities, incorporated cities and counties, and counties, as far as inconsistent with the provisions of this act, are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present ordinance or law of any incorporated town, incorporated city, incorporated city and county, or county, in the state which further restricts the percentage of the lot to be covered by a hotel, the number of stories or height of such hotel or number of rooms therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, the floor space to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, incorporated city and county,

or county, by ordinance or law, to further restrict the percentage of the lot to be covered by a hotel within said municipality, the number of stories or height of such hotel or number of rooms therein, the occupation thereof, the materials to be used in its construction, or increasing the size of the yards or courts, the floor space to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 86. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 87. *This act shall take effect and be in force from and after September 1, 1917.*

Sec. 88. "An act to regulate the building and occupancy of hotels and lodging houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved June 16, 1913, statutes of California of 1913, page 1429, and all acts amending said act, are hereby repealed.

An act to regulate the construction, reconstruction, moving, alteration, maintenance, use and occupancy of dwellings, and the maintenance, use and occupancy of the premises and land on which dwellings are erected or located, in incorporated towns, incorporated cities, and incorporated cities and counties, and to provide penalties for the violation thereof.

The people of the State of California do enact as follows:

Section 1. This act shall be known as the "state dwelling house act," and its provisions shall apply to incorporated towns, incorporated cities, and incorporated cities and counties of this state.

Sec. 2. It shall be the duty of the "building department" of every incorporated town, incorporated city, and incorporated city and county, to enforce all the provisions of this act pertaining to the erection, construction, reconstruction, moving, conversion, alteration and arrangement of dwellings.

It shall be the duty of the "housing department" of every incorporated town, incorporated city, and incorporated city and county to enforce all the provisions of this act pertaining to the maintenance, sanitation, ventilation, use and occupancy of dwellings after said dwellings have been erected, constructed or altered, as the case may be.

In the event that there is no building department or no housing department in an incorporated town, incorporated city, or incorporated city and county, it shall be the duty of the officer or officers who are charged with the enforcement of ordinances and laws regulating the erection, construction or alteration of buildings, or the maintenance, sanitation, ventilation or occupancy of buildings, or of the police, fire or health regulations in said incorporated town, incorporated city, or incorporated city and county to enforce all the provisions of this act.

Every incorporated town, incorporated city, or incorporated city and county in the State of California shall have, and it is hereby empowered and given authority to designate and charge by ordinance any other department or officer than the department or officers mentioned herein, with the enforcement of this act, or any portion thereof.

The commission of immigration and housing of California shall have, and it is hereby empowered and given authority to enforce the provisions of this act, which do not pertain to the actual erection, construction, reconstruction, moving, alteration or arrangement of dwellings in all incorporated towns, incorporated cities, and incorporated cities and counties, in the State of California, whenever said commission

finds or discovers a violation or violations of the provisions of this act and notifies the local department or officer, or departments or officers who are charged with the enforcement of the provisions of this act, in writing, of such violation or violations, and the said local department or officer, or departments or officers, fail, neglect or refuse to enforce the provisions of the said act within thirty days thereafter; provided, however, that the said commission of immigration and housing of California shall enforce the provisions of this act only in the instances specified in said written notice.

Sec. 3. It shall be unlawful for any person, firm or corporation, whether as owner, agent, contractor, builder, architect, engineer, superintendent, foreman, plumber, tenant, lessee, lessor, occupant, or in any other capacity whatsoever, to erect, construct, reconstruct, alter, build upon, move, convert, use, occupy or maintain, or to cause, permit or suffer to be erected, constructed, reconstructed, altered, built upon, moved, converted, used, occupied or maintained any dwelling or any portion thereof contrary to the provisions of this act, or to commit or maintain or cause or permit to be committed or maintained any nuisance in or upon any dwelling or any portion thereof, or any of the premises, which are a part thereof, or which are required by the provisions of this act; or to do or to cause to be done, or to use or cause to be used, any privy, sewer, cesspool, plumbing or house drainage affecting the sanitary condition of any dwelling or any portion thereof, or of the premises thereof, contrary to any of the provisions of this act.

Sec. 4. It shall be unlawful for any person to make any alterations or changes of any kind whatsoever, to any dwelling erected prior to the passage of this act, or to any dwelling hereafter erected, in any manner which would be inconsistent with any of the provisions of this act, or in violation of the said provisions of this act; or in any manner to diminish the size of the windows, or to remove any window or windows from the rooms contrary to any of the provisions of this act.

Sec. 5. A building not erected for, or which is not used as a dwelling at the time of the passage of this act, if hereafter converted to or altered for such use, shall thereupon become subject to all the provisions of this act affecting a dwelling hereafter erected.

A building used as a dwelling at the time of the passage of this act, if moved, shall be made to conform to all of the provisions of this act affecting dwellings hereafter erected, in so far as they pertain to unoccupied area.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in a county jail not exceeding six months, or by both such fine and imprisonment.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, for the vacation of dwellings or premises unlawfully occupied, or for the abatement of a nuisance in connection with a dwelling or the premises thereof, shall be as set forth in the charter and ordinances of the municipality in which the procedure is instituted.

Sec. 7. The department or departments charged with the enforcement of this act in any incorporated town, incorporated city, or incorporated city and county, and the authorized officers, agents or employees of such department or departments may, whenever necessary, enter dwellings or portions thereof, or the premises thereof, within the corporate limits of such towns, cities, or cities and counties, for the purpose of inspecting such buildings, in order to secure compliance with the provisions of this act and to prevent violations thereof.

The members of the commission of immigration and housing of California and the agents, officers or employees of said commission may, whenever necessary, enter dwellings or portions thereof, or the premises thereof, for the purpose of inspecting such buildings in order to secure

compliance with the provisions of this act and to prevent violations thereof.

The owner or his authorized agent may, whenever necessary, enter dwellings, or portions thereof, or the premises thereof, owned by him, to carry out any instructions or to perform any work required to be done by the provisions of this act; provided, however, that the authority to enter buildings, as in this section given to the persons hereinbefore enumerated, shall not be construed or deemed to apply to the entering of any such building between the hours of six o'clock p. m. of any day and six o'clock a. m. of the succeeding day, without the consent of the owner or of the occupants of such buildings; but in no event shall the authority in this section given be construed as permitting any of the persons hereinbefore enumerated to enter any such buildings in the absence of the occupants thereof without a proper written order, duly executed by a competent court authorized to issue such orders.

Sec. 8. For the purpose of this act, certain words and phrases are defined as follows, unless it shall be apparent from their context that they have a different meaning:

Words used in the singular include the plural, and the plural, the singular.

Words used in the present tense include the future.

Words used in the masculine gender include the feminine, and the feminine, the masculine.

Words "building department," "housing department," "department charged with the enforcement of this act," shall be construed as if followed by the words, "of the incorporated town, incorporated city, or incorporated city and county," as the case may be, in which the dwelling is situated.

"Apartment" is a room or suite of rooms which is occupied, or is intended or designed to be occupied by one family for living and sleeping purposes.

"Basement" is any story or portion thereof partly below the level of the curb or the actual adjoining ground level, the ceiling of which in no part is less than seven feet above the curb level or actual adjoining ground levels. If the adjoining ground is excavated to or below the curb level, such excavated space shall have not less than the minimum width and length required in this act for outer courts.

"Building" is a dwelling.

"Building department" means the commissioner of buildings, superintendent of buildings, chief inspector of buildings, or any officer or department charged with the enforcement of ordinances and laws regulating the construction and alteration of buildings or structures.

"Cellar" is any story or portion thereof, the ceiling of which is less than seven feet above the curb level and actual adjoining ground levels.

"Curb level" is the curb level opposite the center of the front of lot, and in the event that a curb has not been established shall be deemed to be the average ground level at the front of lot.

"Department." Wherever the word "department" is used it means the building department, the housing department or such other department or officer, or departments or officers, who are charged with the enforcement of the provisions of this act.

"Dwelling" is as follows:

(a) Any house or building, or any portion thereof, which contains not more than two apartments, or not more than five rooms, or,

(b) Any house or building, or any portion thereof, not more than one story in height, which contains more than two apartments, or,

(c) Any house or building, or any portion thereof, of more than one story and not more than two stories in height, which is designed, built, rented, leased, let or hired out to be occupied, or is occupied, as the home or residence of not more than four families, (four apartments) and which is so arranged that each of the said families live independently of each other, and which building is constructed and arranged so that a separate section is or may be kept as a home or a residence of a separate

family. Each such section having an entirely independent and separate entrance, and if a stairway is required, one separate stairway leading to each section from the street or from an outside vestibule on the level of the first floor of said building, and with no room, hallway, bathroom, water-closet or kitchen used in common by two or more families occupying the said building.

"Family" is one person living alone or a group of two or more persons living together in an apartment, whether related to each other by birth or not.

"Guest" is any person hiring and occupying a room for sleeping purposes, and shall include both boarders and lodgers.

"Guest room" is a room which is occupied, or is intended, arranged or designed to be occupied, for sleeping purposes by one or more guests.

"Housing department" is any department or commission charged with the enforcement of ordinances or laws regulating the occupancy and maintenance of dwelling house buildings; and where no such department is maintained, shall be deemed to be the health commissioner, the department of health, health officer, or similar department charged with the enforcement of laws and ordinances regulating the maintenance and occupancy of buildings or structures and of the health and sanitary requirements.

"Lot" is a parcel or area of land on which is situated a dwelling, together with the land, and unoccupied spaces for such a dwelling, as required by this act; all of which land shall be owned by or be under the absolute lawful control and in the lawful possession of the dwelling.

"Nuisance" embraces public nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, and shall also embrace the overcrowding with occupants of any room, insufficient ventilation, or inadequate or insanitary sewerage or plumbing facilities, or uncleanness, and whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

"Person" is a natural person, his heirs, executors, administrators or assigns; also includes a firm, partnership or a corporation, its or their successors or assigns.

"Shall." Wherever this word is used it shall be mandatory.

"Street" is any public street, alley, thoroughfare or park having a minimum width of sixteen feet, measured from the front of lot to the opposite front of lot, and shall have been dedicated or deeded to the public for public use.

Sec. 8. Every dwelling hereafter erected shall be constructed in a substantial manner; and the building shall be so constructed as to provide shelter to the occupants against the elements, and so as to exclude dampness in inclement weather.

Sec. 10. In no dwelling shall any room in the cellar be constructed, altered, converted or occupied for living or sleeping purposes.

Sec. 11. In no dwelling shall any room in the basement be constructed, altered, converted or occupied for living purposes unless it conforms to all of the requirements of this act for rooms in other parts of the building, and that the ceiling of each such room be in all parts not less than seven feet above the adjoining ground levels.

All the walls below the ground level and the floors of such a basement shall be dampproofed and waterproofed. Such dampproofing and waterproofing shall run through the walls and up as high as the ground level and continue throughout the floor.

Every basement in such buildings shall be illuminated and ventilated.

Sec. 12. In every dwelling hereafter erected there shall be provided a clear air space under the lowest floor thereof of at least six inches, except where there is a ventilated basement or cellar underneath such floor, which clear air space shall be enclosed and provided with a sufficient number of openings with removable screens, or similar provisions, of a size to insure

ample ventilation. The surface underneath the floor shall be kept dry, drained, clean and free from any accumulation of rubbish, debris or filth.

The provisions of this section shall not be deemed to apply to masonry floors laid directly on the soil, nor to any self-supporting masonry floor.

Sec. 13. In every dwelling hereafter erected, every room used for living or sleeping purposes shall contain at least ninety square feet of superficial floor area.

Every such room shall at every point be not less than seven feet in width, nor less than eight feet in height measured from the finished floor to the finished ceiling; except that attic rooms and rooms where sloping ceilings occur need be eight feet in height in but one-half the area of the room.

Every water-closet compartment shall be not less than thirty-six inches in width and every such compartment and bath or shower compartment shall have a height of not less than seven feet six inches measured from the finished floor to the finished ceiling.

Sec. 14. In every dwelling hereafter erected, every room used for living or sleeping purposes and every kitchen, water-closet compartment, shower or bathroom, shall have at least one window, of the area fixed by this act, opening directly upon a street, or upon unoccupied area not less than four in its least dimension and containing an area of not less than thirty-six square feet, and located on the same lot.

A cornice may extend into the unoccupied area two inches for each one foot in width of such unoccupied area.

Windows herein required shall be located so as properly to light all portions of the room, and shall be made so as to open in all parts and so arranged that at least one-half of the window may be opened unobstructed; provided, however, that the windows required by this section in a water-closet compartment or bath or shower room may be opened directly into a vent shaft, such vent shaft to be in no dimension less than eighteen inches; provided, further, that windows required to open onto a street or onto unoccupied area may open through porches, provided that the said porches do not exceed seven feet in depth, measured at right angles to the windows and that at least seventy-five per cent of the entire side of the porch, bounded by the street or unoccupied area is left open, except that the open space may be enclosed with mosquito screens.

Sec. 15. In every dwelling hereafter erected the total window area in each room used for living or sleeping purposes shall be at least one-eighth of the superficial floor area of the room.

All measurements for window area shall be taken to outside of sash.

Sec. 16. In every dwelling hereafter erected, the window area in a water-closet compartment or bathroom shall be not less than three square feet.

Sec. 17. Every dwelling hereafter erected shall be provided with one water-closet for each family living therein.

Sec. 18. In every dwelling hereafter erected every plumbing fixture shall be provided with running water.

Every plumbing fixture affecting the sanitary drainage system in dwellings hereafter erected shall be properly connected with the street sewer, if a street sewer exists in the street abutting the lot on which the building is located and is ready to receive connections. When it is impracticable to connect such plumbing fixtures with a street sewer, then the plumbing fixtures shall be connected and drained into a cesspool constructed satisfactorily to the department charged with the enforcement of this act; or some other means of sewage disposal satisfactory to the department charged with the enforcement of this act may be made until such time as it may become practicable and possible to connect with the street sewer.

Sec. 19. Water-closets, baths, showers, sinks, slop-sinks, faucets and other plumbing fixtures required by this act need not be installed in the event that the dwelling hereafter erected, or an existing dwelling as the case may be,

is situated where there is no running water and where there is no practical means of sewage disposal, until such time as it becomes practicable and possible to obtain running water and means of sewage disposal; provided, in every such case the department charged with the enforcement of this act shall decide whether or not it is practicable and possible to provide running water, or proper means of sewage disposal; provided, further, that proper toilet facilities shall be provided for the use of the occupants of such building. Such facilities shall be made sanitary. A privy, or toilet other than a water-closet, erected under the authority of this section shall consist of a pit at least three feet deep, with suitable shelter over the same to afford privacy and protection from the elements. The openings of the shelter and pit shall be enclosed by fly screening, and the door to the shelter shall be made to close automatically, by means of a spring or other device. No privy pit shall be allowed to become filled with excreta to nearer than one foot from the surface of the ground, and the excreta in the pit shall be covered with earth, ashes, lime or similar substances at regular intervals.

Sec. 20. In every dwelling hereafter erected, and in every dwelling now existing, all plumbing fixtures shall be properly trapped and vented and all such plumbing made sanitary in every particular. Water-closets hereafter installed shall have earthenware bowls and shall have earthenware seats, or seats made of some nonabsorbent material integral with the bowls, or wooden seats, enameled or varnished or otherwise made nonabsorbent, attached directly to the bowls. All connections shall be of standard lead, iron, steel or brass.

No plumbing fixtures shall be enclosed with woodwork, but the space under and around the same must be left entirely open.

Sec. 21. It shall be unlawful for any person to cook or to prepare food, or to permit or suffer any person to cook or prepare food in any bath, shower, slop-sink or water-closet compartment, or in any other place in the building which, in the judgment of the department charged with the enforcement of this act, is detrimental to the proper sanitation of such building.

It shall be unlawful for any person to live or sleep, or to permit or suffer any person to live or sleep, in any cellar, bath, shower or slop-sink room, water-closet compartment, hallway, closet or kitchen, or in any other place which, in the judgment of the department charged with the enforcement of this act, would be dangerous or prejudicial to life or health by reason of want of light, windows, ventilation, drainage or on account of dampness, offensive, obnoxious or poisonous odors or in any room that shall be so overcrowded as to afford less than the following floor space for each occupant in accordance with the age of the said occupant:

Number of persons over 12 years of age	Number of persons under 12 years of age	Superficial floor area required
1	2	60 square feet
2	4	120 square feet
3	6	180 square feet
4	8	240 square feet
5	10	300 square feet
6	12	360 square feet

Additional floor area in the same ratio shall be provided for additional persons.

Sec. 22. No wall, partition or ceiling of any room in any dwelling shall be repapered, calcimined, or have any other covering placed thereupon unless the old wall paper or other covering shall have first been removed therefrom, and the said wall, partition or ceiling cleaned, disinfected and freed from bugs, insects or vermin.

Sec. 23. Every dwelling shall be maintained in good repair. The roofs shall be kept watertight and all storm or casual water properly drained and conveyed therefrom to the street sewer, storm drain or street gutter.

Every water-closet, bathtub, sink, slop-hopper or other similar plumbing fixture shall at all

times be kept clean, sanitary and in good working order.

Sec. 24. There shall be provided, whenever it is deemed necessary, for the health of the occupants of any dwelling or for the proper sanitation or cleanliness of any such building, metal mosquito screening of at least sixteen mesh, set in tight-fitting removable sash, for each exterior door, window or other opening in the exterior walls of the building.

Sec. 25. There shall be provided by the occupant or tenant for each dwelling a tight metal receptacle, with close-fitting metal cover, for garbage, refuse, ashes and rubbish as may be deemed necessary by the department charged with the enforcement of this act. The receptacles shall be kept in a clean condition by the occupants or tenants.

Sec. 26. Every room, hallway, passageway, stairway, wall partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, window curtain, water-closet compartment or room, toilet room, bathroom, slop-sink or wash-room, plumbing fixture, drain, roof, closet, cellar, or basement in any dwelling, and the lot, and the premises thereof, shall be kept in every part clean and sanitary and free from all accumulation of debris, filth, rubbish, garbage or other offensive matter.

No person shall deposit, or cause or permit any person to deposit, any swill, garbage, bottles, ashes, cans or other improper substance in any water-closet, sink, slop-hopper, bathtub, shower, catch-basin, or in any plumbing fixture connection or drain therefrom, or otherwise to obstruct the same; or to place or cause or permit to be placed any filth, urine or other foul matter in any place other than the place provided for same; or to keep or cause or permit to be kept any urine or filth or foul matter in any room or apartment in any dwelling or in or about the said building or premises thereof for such length of time as to create a nuisance.

Sec. 27. No horse, cow, calf, swine, sheep, goat, rabbit, mule or other animal, chicken, pigeon, goose, duck or other poultry shall be kept in any dwelling house or any part thereof; nor shall any such animal or poultry, nor shall any stable, be kept or maintained within twenty feet of any window or door of such building.

Sec. 28. In case any dwelling, or any part thereof, is constructed, altered, converted or maintained in violation of any provisions of this act or of any order or notice of the department charged with its enforcement, or in case a nuisance exists in any such dwelling or building or structure or upon the lot on which it is situated, said department may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said dwelling, building or structure, to prevent any illegal act, conduct of business in or about such dwelling or lot. In any such action or proceeding said department may, by affidavit setting forth the facts, apply to the superior court, or to any judge thereof, for an order granting the relief for which said action or proceeding is brought, or for an order enjoining all persons from doing or permitting to be done any work in or about such dwelling, building, structure or lot, or from occupying or using the same for any purpose, until the entry of final judgment or order. In case any notice or order issued by said department is not complied with, said department may apply to the superior court, or to any judge thereof, for an order authorizing said department to execute and carry out the provisions of said notice or order, to remove any violation specified in said order or notice, or to abate any nuisance in or about such dwelling, building or structure, or the lot upon which it is situated. The court, or any judge thereof, is hereby authorized to make any order specified in this section. In no case shall the said department or any officer thereof or the municipal corporation be liable for costs in any action or proceeding that may be commenced in pursuance of this act.

Sec. 29. Every fine imposed by judgment under section six of this act upon a dwelling owner shall be a lien upon the house in relation

to which the fine is imposed, from the time of the filing of a certified copy of said judgment in the office of the recorder of the county in which said dwelling is situated, subject only to taxes and assessments and water rates, and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the department charged with the enforcement of the provisions of this act, upon the entry of such judgment, to file forthwith the copy as aforesaid, and such copy upon filing shall be forthwith indexed by the recorder in the index of mechanics' liens.

Sec. 20. In any action or proceeding instituted by the department charged with the enforcement of this act, the plaintiff or petitioner may file, in the county recorder's office of the county where the property affected by such action or proceeding is situated, a notice of the pendency of such action or proceeding. Said notice may be filed at the time of the commencement of the action or proceeding, or at any time afterwards before final judgment or order, or at any time after the service of any notice or order issued by said department. Such notice shall have the same force and effect as the notice of pendency of action provided for in the Code of Civil Procedure. Each county recorder with whom such notice is filed shall record it and shall index it in the name of each person specified in a direction subscribed by an officer of the department instituting such action or proceeding. Any such notice may be vacated upon the order of a judge of the court in which such action or proceeding was instituted or is pending. The recorder of the county where such notice is filed is hereby directed to mark such notice and any record or docket thereof as canceled of record, upon the presentation and filing of a certified copy of such order.

Sec. 21. Every notice or order in relation to a dwelling shall be served five days before the time for doing the thing in relation to which it shall have been issued.

Sec. 22. In any action brought by any department charged with the enforcement of this act in relation to a dwelling for injunction, vacation of the premises or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of summons to serve the same as notices and orders are served under the provisions of the Code of Civil Procedure.

Sec. 23. The provisions of this act shall be held to be the minimum requirements adopted for the protection, the health and the safety of the community, and for the protection, the health and safety of the occupants of dwellings. Nothing in this act contained shall be construed as prohibiting the local legislative body of any incorporated town, incorporated city, or incorporated city and county, from enacting from time to time, supplementary ordinances or laws imposing further restrictions, or providing for fees to be charged for permits, certificates or other papers required by this act; but no ordinance, law, regulation or ruling of any municipal department, authority, officer or officers, shall repeal, amend, modify or dispense with any of the provisions of this act.

All statutes of the state and all ordinances of incorporated towns, incorporated cities and incorporated cities and counties, as far as inconsistent with the provisions of this act, are hereby repealed; provided, that nothing in this act contained shall be construed as repealing or abrogating any present ordinance or law of any incorporated town, incorporated city, or incorporated city and county, in the state which further restricts the percentage of the lot to be covered by a dwelling, the occupation thereof, the materials to be used in its construction, or increasing the floor space, to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Nothing in this act contained shall be construed as abrogating, diminishing, minimizing or denying the power of any incorporated town, incorporated city, or incorporated city and county, by ordinance or law, to further restrict the percentage of the lot to be covered by a dwelling within said municipality, the occupation thereof, the materials to be used in its con-

struction, or increasing the floor space to each person occupying a room, the requirements as to sanitation, ventilation, light and protection against fire.

Sec. 34. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 35. This act shall take effect and be in force from and after September 1 1917.

ARGUMENT IN FAVOR OF STATE HOUSING ACT.

Senate Bill No. 285, known as the State Housing Act, was referred to the people to vote for it or against it because it contains a provision prohibiting the use of wooden shingles which have not been treated to render them fire resisting in the construction of roofs of dwellings, hotels, lodging houses, apartment houses and tenement houses hereafter built or erected in incorporated towns or incorporated cities in the State of California.

The above was the only reason why the act was referred to the people.

The provisions of the act respecting fire resisting roofs, which means merely the elimination of the untreated wooden shingle, applies only to dwellings, hotels, and tenement and apartment houses hereafter erected in incorporated towns and incorporated cities and to no other class of buildings, and does not apply to dwellings, hotels, tenement and apartment houses now existing, and such existing buildings may have their roofs repaired with wooden shingles or may have an entirely new roof of wooden shingles to replace the present roof.

This provision was placed in the act because of the great fire hazard arising from wooden shingle roofs and the great destruction of homes due to the inflammable nature of wooden shingle roofs in towns and cities where houses used for human habitation are in close proximity to one another.

It is thought that by providing dwellings hereafter erected in cities with fire resisting roofs, that is, by eliminating wooden shingle roofs on dwellings, hotels, tenement houses and apartment houses hereafter erected in cities, as years go by and more and more of them are erected, such dwellings will afford more and more protection against fire and particularly prevent general conflagrations.

The wooden shingle roof is the greatest fire hazard and fire spreader known to the insurance companies and the fire departments as affecting homes and houses used for human habitation for sleeping purposes in cities where such buildings are in close proximity to one another.

The above was the question upon which the bill was referred to the people and the only question.

A vote "Yes" is a vote for the act.

A vote "No" is a vote against the act.

LESTER G. BURNETT,

State Senator Nineteenth District.

ARGUMENT AGAINST STATE HOUSING ACT.

Limitation of space forbids even a brief reference to all the bad features of the "State Housing Act." Following are the most objectionable parts:

1. The definition of the word "approval" in this act gives unchecked authority to municipal building inspectors and other municipal inspection agencies as to the class of building materials to be used. You may wish to use a certain kind of roofing on your building, for example, a kind that is nationally known and approved by the National Board of Fire Underwriters. Nevertheless, you will not be permitted to use such roofing if the building inspector fails to "approve."

2. Sections 10 and 63 of the act virtually prohibit the use of wooden shingles on small dwell-

ings in uncongested areas in incorporated cities and towns. Of course, shingles "may" be used if coated with some "approved" fire resistive compound. As has been pointed out, no standards are set as to what constitutes "approval" other than the whim of various officials. It will be readily seen, therefore, that owners would either be compelled to purchase useless, so-called fire resistive compounds, or the use of shingles for roofing would be entirely prohibited.

As shingles have been extensively used in this state for many years arguments in favor of this type of construction should be unnecessary.

2. Section 11, of the act permits tenement houses and hotels to be built in the rear of other buildings. The exit provision from the rear tenement house to the street constitutes a frightful fire menace. The act states that the passageway need only be five feet wide by seven feet high and lined with metal lath and plaster or galvanized iron. No one familiar with the fire resistive properties of the above named materials would sponsor a law under the terms of which people are likely to be trapped in burning buildings.

It need hardly be pointed out that the size of the exit is entirely inadequate and that this sort of construction makes for slum conditions on the rear of lots.

4. The act lowers the sanitary and plumbing requirements for hotels, tenement houses, and dwellings below what is the minimum of good practice. For example, this act states that the walls enclosing a water-closet compartment shall be well plastered, or constructed of, or painted with, some nonabsorbent material. This permits of any material as a partition provided it be painted with some "nonabsorbent material," i.e., ordinary paint. For instance, tongue and groove wooden boards which transfer odors, vermin, and sound, if painted will fulfill the requirements of this act. The principal danger is that such partition may form the only separation of a toilet from a hall, kitchen, pantry, cooler, or living room, for nothing in the act requires the partitions of these rooms to be plastered. Again, the separation of toilets for both sexes may be nothing more than a wooden partition. Finally, the act makes no provision for employees' toilets in hotels.

All right thinking citizens favor reasonable and proper building restrictions. But it must be conceded that this act goes far beyond the bounds of reason in some respects. And, as a whole, the act does not set forth building restrictions in a fair or equitable manner.

PAUL SCHARRENBURG,
Member California Commission of Immigration and Housing.

TITLE INSURANCE. Assembly Constitutional Amendment 19 adding Section 5½ to Article XII of Constitution. Authorizes the legislature to provide for the classification by population of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

YES

NO

Assembly Constitutional Amendment No. 19—
A resolution to propose to the people of the State of California, to amend the constitution of said state by adding to article twelve thereof a new section to be numbered five and one-half, relative to the regulation of the business of issuing guarantees or policies of insurance upon the title to real or personal property.

Resolved by the assembly, the senate concurring, That the legislature of the State of California at its regular session commencing on the third day of January, one thousand nine hundred twenty-one, two-thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes to amend the constitution of said state by adding to article twelve thereof a new section, to be numbered five and one-half and to read as follows:

PROPOSED AMENDMENT.

Sec. 5½. The legislature may provide for the classification by population, of counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property.

ARGUMENTS IN FAVOR OF ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 19.

The object of Assembly Constitutional Amendment No. 19 is to give the legislature the same power to classify by population, counties (including any city and county) for the purpose of regulating the business of issuing guarantees or policies of insurance upon the title to real or personal property by the formation of title insurance corporations as now applies to a banking corporation.

The law, at the present time, permits the formation of title insurance companies upon complying with all the requirements of the insurance laws and the rules and regulations of the Insurance Department of this state, and gives the Insurance Commissioner supervisory powers over such corporations.

Before a title insurance company can issue any guarantee or policy of title insurance it

shall deposit with the state treasurer, a guarantee fund of one hundred thousand dollars as security for the protection of the holders of, or beneficiaries under, such guarantees or policies of title insurance.

It must also have a capital stock paid in, in cash, of at least one hundred thousand dollars not to exceed 50 per cent of which may be invested in the purchase of materials or plant necessary to enable it to engage in the title insurance business.

The present law works a hardship on smaller communities by making no distinction between a locality containing five hundred thousand and one containing ten thousand, for instance, in the amount necessary to start a title insurance corporation, while it does make a distinction in the case of a banking corporation. All this constitutional amendment seeks to do is to do away with this discrimination against the less populous locality, at the same time retaining all the present safeguards.

PERCY G. WEST,
Assemblyman Fifteenth District.

This is an enabling act. If adopted, the legislature will be empowered to provide by statute for the classification of counties for the purpose of regulating the business of insuring and guaranteeing titles to real property.

The measure should be adopted for the following reasons:

1. State supervision. All title companies coming under its provisions will be placed under the strict control and careful regulation of the State Insurance Commissioner, the same as other insurance companies.

2. Financial responsibility. A minimum deposit of \$100,000 must now be made with the state treasurer before companies may engage in the business of title insurance. This insures financial responsibility to the guaranties and policies issued by title companies. This constantly maintained deposit, coupled with state supervision, offers the greatest safeguard to all property owners and investors.

3. Present law discriminates. At present, because of the minimum deposit of \$100,000, only large centers of population enjoy the benefits of title insurance. Smaller communities are